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Committee on the Elimination of Discrimination against Women

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Sixth periodic report of States parties due in 2015

Nepal*

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Glossary

ADS	Agriculture Development Strategy, 2015
BCC	Behaviour Change Communication
BPFA	Beijing Platform for Action
CAC	Comprehensive Abortion Care
CCWB	Central Child Welfare Board
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CFLG	Child-Friendly Local Governance
CIEDP	Commission of Investigation on Enforced Disappeared Persons
Cos	Community Organizations
CSOs	Civil Society Organizations
CTEVT	Council for Technical Education and Vocational Training
DAOs	District Administration Offices
DoWC	Department of Women and Children
FCHV	Female Community Health Volunteer
FY	Fiscal Year
GBV	Gender-based Violence
GBVIMS	Gender-based Violence Information Management System
GDI	Gender Development Index
GESI	Gender Equality and Social Inclusion
GFPs	Gender Focal Points
GoN	Government of Nepal
GRB	Gender-Responsive Budgeting
GSP	Girl's Scholarship Program
MCHC	Mother and Child Health Care
MEDEP	Micro Enterprise Development Program
MoAD	Ministry of Agricultural Development
MoE	Ministry of Education
MoF	Ministry of Finance
MoFALD	Ministry of Federal Affairs and Local Development
MoH	Ministry of Health
MoHA	Ministry of Home Affairs
MoLJPA	Ministry of Law, Justice and Parliamentary Affairs
MoPR	Ministry of Peace and Reconstruction
MoU	Memorandum of Understanding

MoWCSW	Ministry of Women, Children and Social Welfare
MSNP	Multi-sector Nutritional Plan, 2013-2017
NDHS	Nepal Demographic and Health Survey
NHRC	National Human Rights Commission
NHRI	National Human Rights Institution
NPA	National Plan of Action
NPC	National Planning Commission
NWC	National Women Commission
OCMCs	One-Stop Crisis Management Centres
OPMCM	Office of the Prime Minister and Council of Ministers
ORS	Oral Rehydration Solution
PAF	Poverty Alleviation Fund
PSC	Public Service Commission
PWDs	Persons with Disabilities
SC	Supreme Court
SGBV	Sexual and Gender-based Violence
SLC	School Leaving Certificate examinations
SOP	Standard Operating Procedure
SSRP	School Sector Reform Plan
TRC	Truth and Reconciliation Commission
TRC Act	Commission on Investigation of Enforced Disappeared Persons, Truth and Reconciliation Act, 2014
VAWG	Violence against Women and Girls
VDCs	Village Development Committees
WASH	Water, Sanitation and Health
WCOs	Women and Children Offices
WCSCs	Women and Children Service Centres
WDP	Women Development Program

Summary

1. Nepal has made remarkable progress towards effectively internalizing CEDAW in its entire legal, policy and institutional regimes. As a result, enabling environment with strong political commitment, advocacy and sensitization efforts, and stakeholders' support have been strengthened. Efforts to manifesting the conceptual clarity in principle and in practice are in place to maintain gender equality and to ensure justice. Likewise, institutions have been more responsive, proactive and effective towards fulfilling constitutional and legal obligations. Positive activism of judiciary has contributed to realize rights in practice.

2. The promulgation of new Constitution by the Constituent Assembly in September 20, 2015 marks the process of social and political transformation with the spirit of democratic values and inclusive governance. The Constitution is instrumental in ensuring the internationally accepted human rights of women and integrating gender equality and women's rights into the economic and social governance of the country.

3. The present report has been prepared in conformity with the guidelines[1] through series of consultations with relevant government agencies and civil society organizations.

Part I

Development towards implementation of concluding observations and recommendations

4. The concluding observations and recommendations have been instrumental in furthering progress on CEDAW implementation at all levels of governance with required deliberation and dedication.

Principal areas of concluding observations and recommendations (paragraphs 7 and 8)

5. The concluding observations were duly communicated to all relevant ministries, to the Legislature-Parliament and to the judiciary, Gender Focal Points (GFPs) and key stakeholders outside the government for collective and collaborative implementation. As a collaborative effort and with a move to use concluding observations as the information, education and communication material, the concluding observations and comments on CEDAW implementation have been made public.

6. The Constitution of Nepal (hereinafter referred to as "the Constitution") guarantees women's rights with substantive equality; and protects human dignity, identity, and opportunity to all by ending all forms of discrimination and inequality. All political parties, irrespective of their political ideologies, have expressed their full commitment for protection and promotion of women's rights in line with the CEDAW. The Constitution sets the policies on social justice and inclusion to be undertaken by all State machineries to end de facto discrimination and inequalities. The Constitution also provisions to form a parliamentary monitoring committee to monitor the progressive implementation of such policies.[2]

[1] The Guidelines as provided by the CEDAW Committee.
[2] Article 54 of the Constitution.

7. The Committee on Women, Children, Elderly Citizen and Social Welfare of the Legislature-Parliament has pursued the provisions of CEDAW and the concluding observations and recommendations as the basis for dialogue and consultation in the parliamentary discourses and constitutional exercises. The Legislature-Parliament has duly considered the provisions of the Convention while exercising the legislative power to make and revise legislations for achieving gender equality.

Revisiting definition of equality and non-discrimination and review and revision of laws (paragraphs 9, 10, 11 and 12)

8. The Constitution guarantees the right to equality by prohibiting all discriminations based on any ground in the application of laws.[3] It empowers the Parliament to make special legal provisions for protection, empowerment and development of socially and culturally backward women.

9. The Constitution provides separate provision on rights of women and guarantees the following:[4]

(a) Every woman shall have equal lineage right without gender-based discrimination;

(b) Every woman shall have the right to safe motherhood and reproductive health;

(c) No woman shall be subjected to physical, mental, sexual, psychological or other form of violence or exploitation on grounds of religion, social, cultural tradition, practice or on any other grounds. Such act shall be punishable by law, and the victim shall have the right to obtain compensation in accordance with law;

(d) Women shall have the right to participate in all bodies of the State on the basis of the principle of proportional inclusion;

(e) Women shall have the right to obtain special opportunity in education, health, employment and social security, on the basis of positive discrimination;

(f) The spouse shall have the equal right to property and family affairs.

10. Likewise, the Constitution prohibits discrimination on the ground of gender with regard to remuneration and social security for the same work.[5]

11. A specific legislation, Some Nepal Acts Amendment Act to end gender-based violence and maintaining gender equality, 2015, has already repealed remaining gender discriminatory legal provisions. It brings 88 legal provisions in conformity with the principles of gender equality adopted by the Constitution and the CEDAW.

Strengthening national machinery (paragraphs 13 and 14)

12. The Government of Nepal (GoN) has continued to strengthen the institutional capacity of Women and Children Offices (WCOs) established in all districts to deliver women development services effectively.

13. The Constitution has upgraded National Women Commission (NWC) as a constitutional body with the responsibility of policy formulation, review and

[3] Article 18 of the Constitution: 'no discrimination shall be made in the application of general laws on the grounds of origin, religion, race, caste, tribe, sex, physical conditions, condition of health, marital status, pregnancy, economic condition, language or religion, ideology or on similar other grounds'.

[4] Article 38 of the Constitution.

[5] Article 18 (4) of the Constitution, on Right to equality.

monitoring of the implementation of treaty related to women's rights and gender equality, monitoring and evaluation of women development programs, carrying out research and studies on issues of gender equality and reinforcing gender justice.

14. The Thirteenth Plan has reinforced the capacity enhancement of National Planning Commission to effectively institutionalize gender-responsive planning, monitoring and evaluation systems as well as an improved system for gender-disaggregated data.

15. The Gender Coordination and Empowerment Unit established at the Office of the Prime Minister and Council of Ministers (OPMCM) in 2010 has been instrumental for necessary coordination and facilitation for enhancing access of victims to justice mechanism. It has been monitoring the implementation of National Plan of Action against GBV and gender empowerment along with information management for anti-GBV investigation, research and development initiatives. This Unit also runs a hotline and has been receiving calls from people experiencing difficulties in lodging complaints against the cases of Sexual and Gender-based Violence (SGBV) including from earthquake-affected people in the post-earthquake context.

16. The Judgment Execution Directorate established within the Supreme Court (SC) has been monitoring the implementation of court judgments which is instrumental in realizing women's rights and gender equality in Nepal. The OPMCM has also set up Judgment Execution Coordination Committee to facilitate the implementation of court judgments.

17. Parliamentary Committees are responsive to the issues of women's rights and gender equality, and have made significant efforts to monitor the implementation of human rights treaties and ensure gender equality. The MoWCSW has conducted professional capacity development trainings for the officials of Gender Focal Units of different ministries and agencies. The Ministry of Finance (MoF) has made additional efforts to further institutionalize the gender-responsive budgeting (GRB) system as a mandatory provision while formulating national budgets.

Temporary special measures (paragraphs 15 and 16)

18. The Constitution has expanded the space for several affirmative actions along with legal measures as the basis for addressing the unequal participation in public life and power structure, unequal access to education and health facilities and economic resources, and socio-cultural discrimination against women and girls. As reinforced by the Constitution,[6] affirmative actions and measures of positive discrimination taken by the GoN have contributed to narrow down gender disparities, and promote gender equality and empowerment of women.

19. The Constitution ensures the proportional representation of women in all State bodies, and the right to acquire special opportunity in education, health, employment and social security.[7]

20. Temporary special measures for accelerating gender equality and empowerment of women in all sectors of development and governance have been further reinforced by the clear targets and specific programs of the Thirteenth Plan.

21. For ensuring gender inclusion in the local development programs, the Ministry of Federal Affairs and Local Development (MoFALD), since 2010, has been implementing a separate Gender Equality and Social Inclusion (GESI) Policy.

[6] Article 18 (3) of the Constitution.
[7] Article 38 (5) and 38 (6) of the Constitution.

22. The MoFALD has adopted and put into force the Formation and Operating Procedures of District/Municipality level Coordination Committee of Women, Tribal and Indigenous Communities, Dalit, Persons with Disabilities, Backward Communities and Badi Community as the special measure in 2014. Mandatory provision has been put into force for allocating at least 10 percent of government grant to local bodies for women empowerment programs.

Stereotypes and harmful traditional practices (paragraphs 17 and 18)

23. The GoN has adopted the following measures to eradicate all harmful practices:

(a) Persuading changes in people's attitude and community practices through Behaviour Change Communication (BCC);

(b) Criminalization of all forms of harmful traditional practices against women and girls;

(c) Launching awareness raising campaigns against harmful practices such as *Chhaupadi*, child marriage, dowry system and allegations of witchcraft;

(d) Strengthening the access of women to health care, education, employment and social security;

(e) Execution of adolescent girls empowerment programme in all 75 districts through the Department of Women and Children (DoWC);

(f) Introducing policies for positive discrimination for women's employment in government and public services.

24. Due to legal, policy and programmatic interventions against child marriage and other harmful traditional practices against girl child, the practice of child marriage has been gradually decreasing. One such initiative is that nearly 1,000 village level committees are active in 59 districts along with vigilance committees at ward level to support girls and families having threats of child marriage, resolve the issues in the community or refer them to district level enforcement authorities. 75 new positions (22 Child Protection Officers and 53 Child Protection Inspectors) have been created and deployed in all 75 districts for protecting children from all forms of harmful traditional practices.

25. The National Strategy to End Child Marriage, 2016, endorsed in March 2016, has been implemented with the goal of ending child marriage by 2030. Nepal is a member of the South Asia Initiative to End Violence against Children, which links Nepal to the broader regional network on ending child marriage in South Asia. The First National Girl Summit held on 23 March 2016 in Kathmandu has galvanized national and international support to end child marriage.

26. The GoN has taken several measures to eradicate harmful practices by raising awareness and enforcing directives and guidelines. The new draft Bill related to Children has incorporated provisions to prohibit all forms of harmful practices that affect children. The GoN is also in the process of drafting a consolidated legislation against all forms of harmful traditional practices.

27. The GoN, in collaboration with civil society organizations, is also running campaign against dowry, witchcraft allegation, *Chhaupadi*, and child and forced marriages all over the country. The GoN, in line with the order of the Supreme Court of Nepal in 2005, has issued directives to eradicate *Chhaupadi* practices, mostly prevailing in Far-Western Region. The government agencies and civil society organizations have been continuing advocacy and awareness raising campaigns against *Chhaupadi*, witchcraft and other harmful practices at the

community level. The role of media has been marked positive and encouraging with significant impacts on changes in social behaviour. The MoWCSW has been implementing programmes for the prevention of *Chhaupadi* through WCOs in the affected districts.

28. After the abolishment of harmful traditional practices of *Kamlari*, the freed *Kamlaris* have been socially reintegrated and are receiving scholarships, hostel facility and other economic opportunities. A total of 12,000 *Kamlaris* have been able to access education including vocational training since the development of National Plan of Action against Child Bonded Labour in 2009. The awareness level of freed *Kamaiyas* and *Kamlaris* including that of the potential employers has increased specifically on ill effects and legal consequences of keeping *Kamlaris*.

29. The GoN has adopted measures to abolish *Badi* practice. The *Badi* Community Upliftment Development Board[8] has been implementing programmes for the overall development and reintegration of *Badi* community.

30. The Witchcraft related Accusation (Offence and Punishment) Act, 2015 has been enforced aiming at eliminating the superstitious belief and harmful traditional practice of witchcraft allegation against women and men. It criminalizes the practices of inflicting torture, cruelty, inhumane and degrading treatment upon the person accused of witchcraft. Similarly, the Act also incorporates the provisions on victim support and compensation.

31. Positive activism manifested by the Judiciary has encouraged the process of legal and administrative reforms along with developing institutional capacity to respond to the cases of harmful practices against women. The national human rights institutions have expanded actions against such practices by strengthening institutional capacity, surveillance systems and watchdog activities. Law enforcement agencies are acting deliberately against such practices.

Violence against women (paragraphs 19 and 20)

32. A National Steering Committee under the Prime Minister to address GBV has been operational in speeding up the measures for effective implementation and monitoring. After announcing the year 2010 as the year against GBV, national campaign against GBV has been further accelerated under the convenorship of the Prime Minister. The Gender Coordination and Empowerment Unit[9] established within the OPMCM has assumed the lead role in mobilizing national capacity for managing and monitoring reported cases of violence against women.

33. The Domestic Violence (Offence and Punishment) Act, 2009, amended in 2015, lists some grave cases of domestic violence under State offence. Local authorities, the Nepal Police, courts and the NWC have been implementing the Act and its Rules, 2010 in receiving complaints, proper investigation, prosecution and ensuring punishment against the perpetrators in the cases of domestic violence. The monitoring framework is expected to enable DoWC to coordinate with the police and different partners to gather information on cases of domestic violence and monitor the implementation status of the law.

34. In addition, the Rules provide effective mechanisms for prevention and control of all forms of domestic violence which inflict GBV and have serious implications on rights of women. It empowers Women Development Officers in all 75 districts to work as Women Protection Officers, which help enable survivors of violence to

[8] The *Badi* Community Upliftment Development Board has been formed under MoFALD in 2011. The Board also consists of representatives from *Badi* communities.

[9] The role of the Gender Coordination and Empowerment Unit at the OPMCM has already been discussed while responding to paragraphs 13 and 14 of the Concluding Observations.

access psychosocial counselling, free legal aid, adequate security and protection, and necessary health services. As dedicated mechanisms for handling the cases of violence against women and Girls (VAWG) at the local level, 246 Women and Children Service Centers (WCSCs) have been established in the Nepal Police in all 75 districts with separate police personnel accountable for handling GBV cases.

35. The statutory limitation on rape has been extended from 35 days to 6 months through the enactment of an Act to amend some Nepal Acts to ensure gender equality and elimination of GBV, 2015. The GoN will further review the implementation of this provision, and is committed to take necessary action in due course of time.

36. Standard Operating Procedure (SOP) for Prevention and Response to GBV, 2011 developed by the OPMCM is in operation to provide medical treatment, psychosocial counselling services and legal support in an integrated manner from victim-centric approach. Likewise, NWC has developed and endorsed an SOP for the prevention and control of GBV, and a GBV Information Management System (GBVIMS) to facilitate nationwide data collection, assessment and monitoring system on cases of VAWG.

37. For women's facilitated access to the concerned authorities and the court, 17 district-level and 84 community-level service centres are in operation to deliver services to the victims and survivors of GBV, rape and other sexual offences. Likewise, hospital-based 'One-Stop Crisis Management Centers (OCMCs)' are providing integrated health services to GBV victims and survivors in 20 districts.

38. The DoWC has been implementing an Integrated Development Program of women's organizations with training, systemic capacity-building, and awareness raising to effectively eliminate GBV at the local level. Under the umbrella of the WDP of WCOs, Watch Groups have been formed at the local level as vigilance groups to combat any kinds of VAWG.

39. The GoN is implementing special measures to accelerate gender equality and empowerment of women in the fiscal year (FY) 2015/16 through Yogamaya Women Empowerment Program. It aims to end all kinds of VAWG and provide support to those who have been at risk and suffering from economic and social backwardness, and are poor, single, affected by sexual violence and natural disasters.

40. The GoN has established Child Help Line in 14 districts through the Central Child Welfare Board (CCWB) to address the issues of violence against girl child.

41. The GoN is implementing a separate Sex- and Gender-based Violence and Gender Empowerment Strategy and Work Plan (2012/13-2016/17).

42. It is mobilizing GBV Elimination Fund and Emergency Child Rescue Fund in all districts to provide immediate funds for rescue, medical support, legal aid, counselling and rehabilitation for survivors of GBV. The Enforcement of the Single Women Protection Fund Rules and institutionalization of a Single Women Protection Fund have been effective for the protection, empowerment, and in dealing with the critical concerns of single women.

43. The continuous hearing provision of the District Court Rules, 1996, has been effectively implemented since 2013 to ensure speedy justice in cases of women victims and survivors of violence. Guidelines on in-camera hearing and maintaining confidentiality of the victims of violence has been formulated and the justice sector actors have been trained on effective implementation of such Guidelines. Similarly, case flow management, calendar based court proceedings, mobilization of specific task force for the enforcement of Supreme Court judgments are some strategic interventions of the judiciary to enhance the access to justice.

44. *Nepal Demographic and Health Survey (NDHS), 2011*, included information on GBV received through a Baseline Survey on VAWG[10] in a separate chapter and contributed for developing information system. This Survey has also carried out the assessment of the intensity of women's empowerment and marital violence in relation to health outcomes in Nepal. Nepal Police, in collaboration with civil society organizations, has been implementing Anti-Gender-Based Violence Network Formation and Operating Procedures, 2015. Till now, Anti-GBV Networks have been formed and operational in 20 districts. Nepal Police has also organized training of trainers for 22 police officers of WCSCs on Gender-Responsive Investigation Skills and Counseling Skills.

45. Immediately after the April 25 earthquake of 2015, the Protection Cluster was developed which is currently operational and led by MoWCSW; GBV sub-cluster is led by DoWC and supported by UNFPA; and a Child Protection sub-cluster is chaired by DoWC and supported by UNICEF. These sub-clusters are designing and implementing programmes, and monitoring and reporting on all protection-related earthquake response programmes being implemented in the 14 severely affected districts.

46. The GoN has been, with due priority, implementing program to protect and support vulnerable women and girls from SGBV and human trafficking as one of the post-earthquake recovery measures. The GoN has established and/or re-activated helplines in the wake of the earthquake, including 24-hour helpline service to report exploitation of children, unaccompanied children, cases of GBV and trafficking.

Trafficking and exploitation of prostitution (paragraphs 21 and 22)

47. For the effective implementation of Human Trafficking and Transportation (Control) Act, 2001, a 10-year National Plan of Action to Combat Trafficking in Persons has been put into action since 2011. For reinforcing the prevention and control of trafficking in women and children, a separate National Plan of Action against Trafficking in Women and Children has been implemented since 2012 with intervention areas including prevention, protection, prosecution, and capacity development of concerned institutions. Separate Anti-trafficking Cell within the structure of MoWCSW and WCSCs within Nepal Police are in place to effectively manage anti-trafficking interventions.

48. Fast track court proceedings are applied in the cases of human trafficking and sexual abuse.[11] The GoN has launched various programmes against human trafficking in coordination with Civil Society Organizations (CSOs). A fund for rehabilitation of survivors has been established in each district, and rehabilitation homes/centres have been established in eight districts[12] for the survivors/affected persons.[13] Investigation procedures for human trafficking have been incorporated in the training curricula of Nepal Police. Police personnel, prosecutors and judges have been receiving regular training on investigation procedures of human trafficking cases through Nepal Police Academy and Judicial Academy respectively.

[10] The survey in the five districts was conducted for the first time in September 2011 for a situation analysis on VAWG by Women and Children Service Directorate of Nepal Police.

[11] The provision on fast track proceeding is as provided in the District Court Rules, 1996. The data on cases against human trafficking initiated in the court of law is given in Annex - XVII.

[12] The districts include Kathmandu, Sindhupalchowk, Kailali, Jhapa, Parsa, Repandehi, Banke and Chitwan.

[13] A total of 429 persons were rescued by mid-April 2014. The number stood at 1,458 in FY 2012/13. District Development Committees have been provided with grants of Nrs. 3,750,800 for curbing human trafficking and Nrs. 3 million to manage rehabilitation centres. Seven service centres have been established in the India-Nepal border areas for controlling human trafficking and violence against women and children.

49. National Minimum Standards for Victim Protection and the SOPs for Shelter Homes for trafficking survivors are being implemented since 2012 for ensuring adequate protection, assistance and provision of safe homes.

50. As a collaborative effort, Nepal is implementing a Combating Trafficking in Persons (CTIP) program since 2010 to more effectively prevent trafficking, protect survivors and prosecute human traffickers.

51. The GoN pursues a policy to build requisite infrastructure before joining any international instruments. After developing the requisite legal, policy and institutional mechanisms, the GoN will consider towards joining the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children in due course of time.

Women's participation in political and public life (paragraphs 23 and 24)

52. The Constitution[14] guarantees women's right to participate in all structures and bodies on the basis of the principle of proportional inclusion. The Constitution ensures mandatory representation of women in at least one third of total members elected from each political party in Federal Parliament. In the formation of National Assembly, out of 56 members, at least 21 members (at least 3 from one province) come from women. The Constitution provisions for representation of women in Village Executive at 26.66% (4 out of 15 members) and 26.31% (5 women out of 19 members) in Municipal Executive. The GoN has submitted an amendment Bill on Local Bodies' Election (Procedure) Act, 1991 in 2016 to ensure at least 50% candidacy of women from each political party in the election.

53. Women's position in high-level political leadership has been in an encouraging level. Nepal has a remarkable position with women's leadership in key responsibilities of governance as the President (Head of State), Chief Justice (Head of Judiciary) and Speaker of the Legislature-Parliament. This has made encouraging development for Nepali women to be in the leadership position in the future.

54. Women have secured significant numbers of positions in governance and diplomatic positions. The GoN has been keen on providing opportunity of leadership development for women officers in the diplomatic service.

55. There has been encouraging participation of women candidates in Public Service Commission (PSC) examinations and success rate of women has significantly increased due to reservation for women in civil service recruitments. The Nepal Administrative Staff College and other public training institutions are providing training in the field of leadership development and professional management with special priority to women officials of the public service. The number of women applicants in civil service positions has increased quite significantly, i.e. 60.12% in 2014/15 as compared to 44% in 2010/11. Likewise, the percentage of women selected for civil service positions in 2014/15 counts 35.64 as compared to 26.21 in 2010/11.[15] Currently, the representation of women in civil service is 15.3%. It is 5.8% in Nepal Police, 2.58% in Nepal Army, 3.4% in Armed Police Force and 1.76% in the judiciary.

56. The private sector business entities such as Federation of Nepal Chambers of Commerce and Industries, Federation of Nepal Cottage and Small Industries and Confederation of Nepalese Industries have conducted trainings in industrial management and entrepreneurship development to build the capacity of women entrepreneurs for leadership positions at the business sector.

[14] Article 38 (4) of the Constitution.
[15] Annual Report, 2015, Public Service Commission.

Nationality (paragraphs 25 and 26)

57. Article 10 of the Constitution guarantees the right of all Nepali citizens to obtain citizenship. The Constitutional provisions on acquisition of citizenship are based on the principle of equality and non-discrimination. As per the Article 11(2)(b), a Nepali child whose father or mother is a citizen of Nepal at his/her birth, may acquire Nepali citizenship certificate. Therefore, the Constitution empowers Nepali women to transfer citizenship to their children. Likewise, Article 11(7) mentions that in the case of a person born from a woman who is a citizen of Nepal and married to a foreign citizen, the person may acquire the naturalized citizenship of Nepal in accordance with the Federal law if s/he has permanently resided in Nepal and has not acquired the citizenship of a foreign country. Further, the Nepal Citizenship Act, 2006 fully recognizes and protects the separate identity of Nepali women while granting citizenship. It has detailed provisions of granting citizenship on the basis of descent, birth, and through naturalization.

58. As a noteworthy move towards ensuring women's right to transfer citizenship to children, the GoN has been following the SC's *mandamus* order to provide citizenship certificate to children whose father are not traced. The Ministry of Home Affairs (MoHA) has been ensuring the easy access of single women to obtain citizenship certificates and voter registration.

59. In 2013, MoHA launched two types of campaigns for facilitated and persuasive distribution of citizenship across the country: (a) Deployment of Integrated Mobile Service Teams; and (b) Launching of Citizenship Distribution Team Campaigns. It distributed 181,713 citizenship certificates, of which 107,966 were for women (59.42%) and 73,747 were for men through Integrated Mobile Service Team. Similarly, through the Citizenship Distribution Team Campaign, 421,381 citizenship certificates were distributed, of which 257,444 were for women (61.10%) and 163,937 were for men.

60. In order to execute the judicial orders of the SC, the MoHA issued a seven-point directive circular to all District Administration Offices (DAOs) on January 30, 2013 to provide citizenship certificates to children based on the Nepali citizenship of their mother. The directive has expedited and simplified the citizenship certificate issuance procedures with efficient delivery of services. Based on the directive, citizenship by descent may be provided to a child born to a Nepali mother, even in the absence of details of her husband by stating the details of her parents. Moreover, in the case of a child whose father is unidentified or untraceable but born in Nepal to a Nepali mother, the guidelines direct DAOs to issue citizenship certificates with simplified procedures as per the Nepal Citizenship Act and Nepal Citizenship Rules. Any Nepali citizen who reached 16 years of age may apply for citizenship certificate at the DAOs established in all districts.

61. With the realization of practical difficulties faced by the marginalized and disadvantaged groups in obtaining citizenship certificates due to the lack of substantive documents and proper facilitation, MoHA has organized training and acclimatization sessions for the responsible officers of DAOs.

62. With the objective to efficiently deliver the cost-effective services to the marginalized and disadvantaged groups including women, MoHA has instructed all DAOs to issue citizenship certificates to eligible applicants within the same day of application. Besides, the Area Administration Offices are also authorized to function as the extended arm of DAO and deliver outreach services at the community level. In the whole country, there are 75 DAOs, 31 Area Administration Offices and 4 Integrated Service Centers involved in the delivery of citizenship services.

Education (paragraphs 27 and 28)

63. The GoN, through national policy, strategy and programs, has been providing quality education for girls, with improvement in the access of girls with disabilities through improved infrastructures and provision of support systems, and special provisions for girls of Dalit, indigenous and disadvantaged groups.

64. Nepal has made significant progress in women's education by increasing access of girls and women to educational opportunities with enhanced gender parity at all levels. The gender-responsive tools include school outreach program, flexible schooling program, non-formal sessions, scholarships and incentives, gender-friendly infrastructures, increasing the number of female teachers, community learning centres, and other programs. To increase the access to education for the persons with disabilities (PWDs), the GoN has been implementing various programs including the scholarships support. A Bill on Rights of PWDs has been submitted to the Legislature-Parliament in 2015.

65. For increasing gender-responsiveness in education and training, the seven-year School Sector Reform Plan (SSRP) is under implementation since FY 2009/10. The SSRP aims to achieve the goals of the National Plan of Action for Education for All (2001-2015) of expanding access and equity in education; improving quality and relevance; and strengthening institutional capacity of the entire education system to improve school's performance. Achieving gender equality in education has been the key output of this plan. During the implementation of the plan, enrolment of girls in early childhood education has increased, repetition of classes and dropouts have decreased, and retention rates have increased.

66. The GoN is implementing education and training programmes for freed *Kamlaris*. Freed *Kamlaris* have been receiving scholarships, hostel and other support from the GoN. Food for Education Programme targeting *Kamlaris* has been conducted in selected areas. Children from different marginalized groups have received different support including scholarships.

67. According to Nepal MDG Progress Report 2013, Gender parity in school enrolment between 2008 and 2012/13 is encouraging.[16]

68. The 100% Girl's Scholarship Program (GSP) has been the key intervention of the GoN in fulfilling the commitment of ensuring marginalized and disadvantaged girls' access to education. In 2011, the Ministry of Education (MoE) has expanded the 50% GSP to the 100% throughout the country. Such expansion shows the effectiveness of GSP in the context of delivering quality education to girls from marginalized and disadvantaged groups.

69. According to NDHS 2011, two-thirds of women (67%) are literate, which represents an increase from the 2006 figure of 55%. 83% of women residing in urban areas are literate, compared to 64% of rural women.[17]

70. Literacy programs and continuous education has helped to reduce the illiteracy among women with a particular focus on adult literacy, women's literacy and functional literacy. Initiatives such as "Welcome to school" campaigns, scholarship for girls, child grants, mid-day meals, employment, and special scholarship for *Kamlari* have increased the school Net Enrolment Rate which ultimately contributed to increasing literacy among women and girls. Various non-formal educational initiatives are also contributing to increase literacy among women and girls in rural areas. The comparative literacy status of female and male in Nepal shows a stark

[16] Nepal MDG Progress Report, 2013, National Planning Commission.
[17] Population Census, 2013, Central Bureau of Statistics.

increase in literacy of both young women and men aged 15-24.[18] Female enrolment in education has also been recorded as satisfactory.[19] The literacy position of female, status of female enrolment, the number of female teachers and the number of trained female teachers in comparison to male are in progressive status.[20]

71. The MoE has initiated Enhanced Vocational Education and Training (EVENT) Project in 2011 with the aim to provide technical and vocational education and training to around 75,000 Nepali youth including at least 30 percent from women. It has encouraged participation of women to non-traditional trade and has planned to produce 5,000 trained women. The EVENT project has already trained 21,159 youths with 30 percent women trainees.

72. The Council for Technical Education and Vocational Training (CTEVT) has started to keep gender disaggregated data on participants of training program which facilitates gender assessment and gender-responsive planning in technical education and training.

73. The Curriculum Development Center has reviewed the secondary level education curriculum and developed new curriculum with gender-friendly content. The National Center for Education Development is implementing Gender Awareness Module with the involvement of GFPs for Master trainers involved in the Teachers' Professional Development module. A Gender Equity Network has been in place at the national level, with the overall aim of building collective effort for achieving gender equality in education and training.[21]

74. According to a study,[22] traditional attitude, norms and value of the *Chepang* community and family towards education and gender have changed drastically. They have perceived education as the best tool for employment creation, income generation, knowledge and better life. As a result, there is high enrolment rate of *Chepang* girls in primary schools.

75. The status of female teachers in all categories of schools reveals the need for additional improvement. The gender equity index at this level remains at 0.63 while the indicators for primary and lower secondary schools are 0.71 and 0.38 respectively. The gender equity index has remained 0.52 in community schools and 1.01 under institutional schools at basic level.[23]

76. Under the Women Development Program, in an effort to provide life skill education and training for girls and women, rural out-of-school adolescent girls have been imparted with life skill education and training.[24]

77. Enrolment of girls at schools is higher than boys at all levels of education,[25] which is reflected in School Leaving Certificate (SLC) examinations of year 2015 in which out of 426,214 participating students, 213,710 (50.14 percent) were female.

78. A system for allocating sufficient resources and monitoring the implementation of educational reform initiatives has been ensured for assuring quality of education that has significant impact on female education in Nepal. Gender-sensitive monitoring has been applied for examining gender equality in education.

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[18] Please refer to Annex I and Annex II for detailed comparative data on literacy status.
[19] Please refer to Annex III for detailed data on enrolment status of women.
[20] Please refer to Annexes I to XI for detail data.
[21] Report on Inclusiveness in School Curriculum, 2010, Curriculum Development Centre, MoE.
[22] DoE, 2012.
[23] MoE, 2014.
[24] Women Development Program Operative Guidelines, 2013/14, Department of Women and Children.
[25] Flash Report, 2015, Department of Education.

Employment (paragraphs 29 and 30)

79. Rehabilitation process for the freed bonded labourers, *Kamaiyas*, and freed child bonded labourers, *Kamlaris*, is in the final stage. The bonded labour practice has been prohibited and it is no more in the existence.

80. Agricultural sector remains the main employer, with 75 percent of women and 35 percent of men engaged in agricultural occupations.[26] Ten percent of the total number of women employed in the agricultural sector are paid in-kind. Women are more likely to be paid in cash if they are employed in the non-agricultural sector: 80 percent of women employed in this sector are paid in cash. There has been a change in the employment structure as compared to the 2006 Survey which had the finding that 86 percent of women and 52 percent of men were employed in agricultural occupations. According to NDHS of 2011, there has been increase in women's participation in sales and service sector with 12 percent in 2011 as compared to 7 percent in 2006.

81. Programs such as the small farmer program under the concept of a loan program for disadvantaged groups, a productive loan program for rural women, a rural independent fund, the establishment of rural development bank, institutionalization of poverty alleviation funds and the establishment of the Ministry of Cooperatives and Poverty Alleviation have been instrumental in creating employment for rural women. In cooperative sector, 30,065 female have got employment as compared to 25,620 men. Likewise, women hold 34 percent of executive positions, around 45 percent in membership, and 47 percent in management of the cooperatives.[27]

82. For ending child labour, CCWB and District Child Welfare Boards have expanded vigilance and prevention strategies. At the local level, Child Protection Officers are recruited and deployed to prevent and control all forms of child abuse and exploitation. All forms of forced labour have been prohibited.

83. Sexual Harassment at Workplace (Offence and Punishment) Act, 2014 is being implemented to end all forms of sexual harassment against women at workplaces. In line with the SC's order, Procedural Guidelines on the Prevention of Sexual Harassment against Working Women at Workplaces like cabin restaurants and dance bars is in operation with an aim to develop women employee's capacity and confidence to be resilient against all forms of sexual harassment, awareness raising, utilizing a confidential and safe system for filing complaints, and facilitating delivery of justice at the workplace.

84. The National Plan of Action on Decent Work is in place along with the National Labour Policy and labour laws with provisions for decent work. The GoN is fully committed in developing an appropriate legal and administrative system for ensuring decent work for domestic workers, and after developing the requisite legal, policy and institutional mechanisms, the GoN will consider towards joining the ILO Convention No. 189.

85. To help develop women's entrepreneurship and provide financial support for women-run businesses, Women Entrepreneurship Development Fund Procedural Guidelines, 2013 is in operation.

[26] NDHS, 2011.

[27] Department of Cooperatives, 2015.

Health (paragraphs 31 and 32)

86. The GoN through the constitutional, legal, policy and programmatic measures has been achieving progress towards increasing access to health information and health care services to all, and reducing the mortality rate.

87. Safe motherhood program has been a national priority program in Nepal since the formulation of National Safe Motherhood policy in 1998. The National Safe Motherhood Plan (2002-2017), revised in 2005, formed a basis for the current Safe Motherhood and Newborn Health Long Term Plan (2006-2017), the implementation of which is bringing positive impacts on infrastructure development and delivery of maternal health services at rural level. The maternal and reproductive health of women has been improved by implementing the guidelines regarding uterine prolapse, safe abortion, safe motherhood, and management of human resources for safe delivery. The Antenatal Incentive Program launched in 2011 has been providing incentives to mothers who complete four antenatal care visits in health facilities. The Safe Motherhood Program has been launched to improve institutional delivery through antenatal care, postnatal care and family planning services.

88. The GoN has been launching awareness raising campaign on safe abortion practices particularly targeting the adolescent and youth. Institutions conducting abortion are also educating their clients on safe abortion practices and its short and long-term effects on reproductive and general health. The reproductive health programmes also deal with reproductive education including safe abortion practices. Moreover, the MoWCSW has been implementing Adolescents Development Programme in all districts that also covers components related to reproductive health.

89. In order to address the problem of uterine prolapse in holistic way, awareness programmes both on preventive and curative aspects together with treatment facilities including free surgery have been implemented at the local level. The national budget for the fiscal year 2014/15 as well as the NHRAP ensure continuation of the availability of the service free of cost. In the FY 2012/13, a total of 33,024 women were screened as having the problem of uterine prolapse. Among them, 3,660 women received silicone ring pessary and 4,725 underwent uterine operation.

90. For increasing women's lifelong access to appropriate, affordable and quality health care, Nepal Health Sector Plan — Implementation Plan — II (2010-15) has focused on improving the health service delivery. The Plan prioritizes reaching the unreached with a strong focus on gender and social inclusion.

91. The Water, Sanitation and Health (WASH) program has been implemented throughout the country to improve the hygiene and sanitation status of women at large. The Ministry of Health (MoH) introduced Operational Guidelines for Gender Equality and Social Inclusion Mainstreaming in the Health Sector in 2013 and institutionalized the GESI unit for mainstreaming gender issues in the health sector, along with efforts to harmonize gender into policy, law, strategies and programs.[28]

92. Nepal HIV Investment Plan 2014-2016 is being implemented to undertake gender-sensitive initiatives to address sexually transmitted diseases, HIV/AIDS and sexual and reproductive health issues. The Plan has contributed to prevent new infection along with care for the victims. Prevention of mother to child transmission of HIV/AIDS programs are being carried out in all districts.

[28] Nepal Health Sector Plan, 2010-2015, MoH.

93. The MoH has been implementing National Female Community Health Volunteer (FCHV) Program with support from international partners to improve access to quality health services. The program implementation is based on mobilization of a network of local women volunteers. Currently, the program has mobilized 51,470 FCHVs (47,328 at the rural/VDC level representing every ward and 4,142 at urban/municipal level) throughout the country.[29]

94. The GoN is implementing Multi-sector Nutritional Plan 2013-2017 (MSNP) which targets teenaged girls, pregnant women and breast feeding mothers of low income groups. This plan is being implemented and has had positive impacts so far in increasing life expectancy, decreasing maternal mortality and improving the basic health of girl children.

95. The unhygienic conditions during menstruation of adolescent girls are being addressed through enforcing Guidelines on *Chhaupadi* and launching awareness raising activities. Furthermore, sanitary pads are being distributed to girls in some districts for promoting hygienic conditions during menstruation. Components on population and reproductive health have been incorporated in school curriculum to raise awareness about the need of care and hygiene during menstruation.

96. The Government has been making site visits to inspect water systems and sanitation facilities, and consultations with community members and focus group discussions with women to better understand the gender dimensions of the disaster[30] of the 2015 earthquakes.

97. According to Nepal Human Development Report, 2014, the Gender Inequality Index, which shows the loss in human development due to inequality between female and male achievements in three dimensions — reproductive health, empowerment and economic activity, reveals a positive shift of Nepal's position in the global scenario, with Nepal's rank in the index at 98th position in 2013 compared to the rank of 102nd in 2012.[31]

Female migrant workers (paragraphs 33 and 34)

98. The Constitution[32] provisions to make foreign employment free from exploitation, safe and systematic and to guarantee employment and rights of the labourers.

99. The data on labour permits shows that men account for a bulk of the labour migrants over the past six years, at 95.1 percent. However, there has been a significant increase in the number of permits acquired by women, with an increase of 239 percent over the six-year period, compared to nearly 133 percent for men. The number of female migrant workers in 2008/09 was 8,594 which increased to 29,154 in 2013/14. According to the Department of Foreign Employment, from July 2014 to March 2015, 15,939 female have migrated for employment.[33]

100. Foreign Employment Policy, 2012, Procedures on Registration and Renewal of Orientation Training Institutions for Foreign Employment, 2014, and Guidelines for Sending Domestic Workers in Foreign Employment, 2015, among others,[34] are in operation to protect the rights and interests of migrant workers. A separate policy on safe migration is being drafted in order to address illegal and undocumented

[29] Department of Health Services, 2014.
[30] PDNA Report, vol. II, p. 193, NPC.
[31] Nepal Human Development Report, 2014, UNDP.
[32] Article 51 (i) of the Constitution.
[33] Ministry of Labour and Employment, 2014.
[34] Foreign Employment Act, 2007, and its Rules, 2007, and Guidelines on the Process Related to Obtain Personal Approval for Foreign Employment, 2012, are other legislative and policy tools.

migration and ensure safe migration. Structural mechanisms are in place to promote safe, dignified and decent foreign employment and to create an enabling environment for relations among employers, workers and other stakeholders.[35] Foreign Employment Tribunal has been functional to provide easy and speedy access to justice to the victims of foreign employment.[36] Likewise, prosecutions are made by the court of law against individuals and institutions convicted in the cases of foreign employment.[37]

101. According to the Department of Foreign Employment, a total of 899 complaints were filed with the Investigation and Inquiry Section in 2012/13, which increased to 1,406 in 2013/14.[38] In 2014, the Department initiated a process to ensure better and more effective handling of complaints. The first step in this process included the development of a computerized system and database for complaints.

102. The enactment of the Foreign Employment Act, 2007 and its Rules, and establishment of Foreign Employment Promotion Board and Foreign Employment Tribunal have contributed towards promoting governance for labour migration and in regulating the processes effectively. Foreign Employment Information Management System has been prepared, and is in operation to keep record on migrant workers.

103. The GoN has made intensive diplomatic efforts to enter into labour agreements with the countries having Nepali labourers. The GoN has signed Memorandum of Understanding (MoU) with five labour destination countries[39] to safeguard the migrant workers from labour exploitation, and it has been working to sign MoU with each destination country which hosts over 10,000 Nepali migrant workers. Minimum wage for migrant labourers has been fixed in five destination countries.[40] Labour attachés have been employed at the Nepali missions in seven labour receiving countries.[41] With an aim to help rescue women migrant workers, safe houses have been operationalized at four Nepali missions abroad.[42] One of such houses has also been established in Kathmandu for returnee women migrants. The Mangala Shahana Rehabilitation Center has been established in Kathmandu to provide rehabilitation support specifically for rescued foreign migrants.

104. The GoN has recruited labour attachés for embassies and consular offices to provide assistance and services as needed. In 2014, the government designed and implemented a two-week training program for newly appointed labour attachés. The GoN's move forward to develop bilateral mechanisms and setting up of labour attachés in key countries have been instrumental in improving safe labour migration with special impact on protection of female migrant workers.

105. The GoN has undertaken a number of measures to prevent and manage the risk of exploitation of migrant workers. The Foreign Employment Promotion Board through agreements with financial institutions is facilitating loans for aspiring migrant workers. By mid-April 2014, Nrs. 2,672.14 million had been lent to the needy having contributed to the employment of 20,806 individuals. To help migrant

[35] Ministry of Labour and Employment, 2014.
[36] Ibid.
[37] The data on cases of foreign employment in the court of law is given in Annex-XVIV.
[38] Labour Migration for Employment, *A Status Report for Nepal: 2013/14*, Department of Foreign Employment.
[39] The countries with which the MoU has been signed are: Bahrain, Japan, South Korea, UAE and Qatar.
[40] The Countries are: Bahrain, Oman, UAE, Qatar and Saudi Arabia.
[41] The countries are: Saudi Arabia, Qatar, UAE, Malaysia, South Korea, Oman and Bahrain.
[42] The countries are: Saudi Arabia, Qatar, UAE, and Kuwait.

workers obtain better jobs in the international market, the GoN has been providing skill training to them. By mid-April 2014, 4,500 persons have been provided with capacity enhancement training from the CTEVT. Similarly, 14,935 persons have benefited from orientation training. The number of previously unregistered migrants who received labour permits in 2013/14 was 60,880 compared to 38,076 in 2012/13. Remittance has contributed to the national economy as well as to the individual households.[43]

106. The GoN, since 2014, has been operating a "labour village" in Kathmandu which is expected to contribute towards a smoother and more transparent migration process by consolidating a range of services under one roof. This includes the establishment of separate country desks as well as specialized service desks for migrant workers.

107. The establishment of a separate Labour Desk at the Tribhuvan International Airport in Kathmandu has helped promoting safe migration among prospective female migrants and labour permit owners.

108. The government has been working to establish a Labour Bank for creating a favourable environment for utilizing earned capital, acquired skills and experiences of female returnees for contributing to economic growth in Nepal.

Women affected by the conflict *(paragraphs 35 and 36)*

109. Two high level transitional justice mechanisms: (a) The Commission of Investigation on Enforced Disappeared Persons (CIEDP), and (b) The Truth and Reconciliation Commission (TRC) are established and in operation as per the Commission on Investigation of Enforced Disappeared Persons, Truth and Reconciliation Act, 2014 (TRC Act). These commissions have separate offices with Chairpersons, members and secretariats to discharge duties and delivery of justice to conflict-affected persons including women. In each commission, Chairperson and members have been appointed with at least one woman member.

110. The TRC Act regards the crimes of rape and sexual violence committed during the armed conflict as the gross violations of human rights. In the cases of gross violation of human rights, the commissions are mandated to conduct investigation for fact finding, and to recommend the Attorney General to prosecute against the perpetrators involved in such cases. The Act also makes provision for the establishment of a Special Court to try past abuses and incorporates system to enable vulnerable witnesses to participate in truth seeking. As per the provision of the Act, the two commissions have made special arrangements to facilitate filing of complaints by children, senior citizens, PWDs and survivors of sexual violence, and to give testimony to the commission. The commissions are mandated to provide the service for witness and victim protection. The TRC has registered more than 58,000 complaints. Amnesty for the perpetrators involved in rape and other serious violation of human rights is prohibited by this Act. National Human Rights Commission (NHRC) has been entrusted with the power to monitor the implementation of the recommendations made by the CIEDP and TRC.[44]

111. Two separate Rules on TRC and CIEDP have been approved by the Council of Ministers in line with the Supreme Court ruling of 26 February 2015. The rules that specifically elaborate measures for effective implementation of the Transitional Justice Mechanisms include: a) Cases sub judice in courts of law are not to be transferred to the Commissions; b) Reconciliation between the victim and the

[43] In the fiscal year 2012/13, the share of remittance to GDP was 25.77% while it was 23.1% in the fiscal year 2011/12.

[44] Section 30.1 of the Act.

perpetrator can be made only with informed prior consent of the victim; c) Recommendation for amnesty may be made only with prior consent of the victim; and d) The Commissions are empowered to forward cases directly to the Office of the Attorney General for prosecution against the offenders.

112. The GoN has been implementing the National Plan of Action on Implementation of the United Nations Security Council Resolutions (UNSCR) 1325 and 1820 (2011/12-2015/16) with the purpose of ensuring the protection of women and girls' rights and prevention of violation of their rights in pre-conflict, during conflict and post-conflict situations. It aims to strategically end impunity by instituting necessary reforms in the justice delivery and security systems to promptly respond to cases of SGBV. MoPR is implementing the Localization Guidelines, 2012 to effectively operationalize the National Plan of Action on Implementation of UNSCR 1325 and 1820.

113. The MoWCSW is collaborating with key stakeholders to widely disseminate the National Plan of Action on UNSCR 1325 and 1820 in all districts and communities. For this purpose, WCOs are conducting 'training of trainers' program to transfer knowledge and skill to all relevant partners for effective implementation of the Plan of Action.

114. For the effective implementation of UNSCR 1325 and 1820, a National Steering Committee has been set up, and the mechanisms established to implement the Action Plan on UNSCR 1325 and 1820 have been represented by at least one woman activist and one conflict-affected woman.

115. The Ministry of Law, Justice and Parliamentary Affairs (MoLJPA) has been providing free legal aid services to conflict-affected women and girls, amongst others, at different VDCs of 43 districts. This includes interaction programs, advocacy and sensitization on women's rights, and information on gender-based violence including domestic violence and children's rights. This program has served almost 13,000 people of different districts so far.[45]

116. Psychological counselling and family reintegration services are being provided to conflict-affected women through various rehabilitation and service centres and shelter homes established by both the government and non-government organizations. Similar services are also being delivered by WCSCs established by the Nepal Police.

117. Over 1,725 Local Peace Committees formed in all districts are in operation. These Committees are working to create the atmosphere for reconciliation in society in post-conflict scenario. At least one-third of total members of these Committees are women.[46]

Women in situation of poverty (paragraphs 37 and 38)

118. Under the 13th Plan, the target of the GoN to reduce the proportion of the population living below the national poverty line to 18%, which was 25.2% in 2011 and 23% in 2013, contributed to alleviate absolute poverty significantly. Population under the poverty line shows a declining trend. However, the devastating earthquake of 25 April 2015 and its aftershocks are likely to increase the poverty level in the most affected areas by 2.5 to 3.5 percent.[47]

[45] Ministry of Peace and Reconstruction, Nepal Peace Trust Fund, 2014.

[46] Ministry of Peace and Reconstruction, 2015.

[47] As per the Post-Disaster Need Assessment Report of the National Planning Commission, more than 18 districts have been affected by the earthquake in April 25 and May 12 which caused loss of approximately 9,000 people and 600,000 houses/buildings, and 700,000 people pushed to poverty.

119. Until April 2014, the Poverty Alleviation Fund (PAF) has assisted the formation of 23,788 community organizations of the economically poor to carry out different livelihood enhancing and capacity development activities. The programme has benefited 663,151 poor households, mostly indigenous communities, *Dalits*, and women. Of these, 75 percent are women, 65 percent are those who do not have sufficient food for more than 3 months a year.[48]

120. For inclusive development, the GoN in its 13th plan has focussed on demand driven and community based development approach at the local level. The programme has supported communities to become self-employed through income generation and community infrastructure related schemes.

121. The Micro-Enterprise Development initiative of the government aims to economically empower rural women and reduce poverty through women entrepreneurship and employment generation, especially women from poor, Dalit, marginalized and backward communities. A study[49] on entrepreneurship development program found that a larger percentage of women entrepreneur families (74.6%) had moved out of poverty as compared to men entrepreneur families (69.5%).[50]

122. With an aim to develop the livelihood of women, poor, marginalized, landless and people who are economically and socially backward, the GoN has been providing capital grants to the cooperatives to run industries on fruit farming, agriculture, livestock farming and fisheries under public-private partnership. The Ministry of Agricultural Development (MoAD) has been implementing Operational Guidelines to Provide Capital Grants to the Farmers of Targeted Community, 2015, for supporting in leasing of land for commercial farming.

123. The Constitution ensures right to food as one of the fundamental rights.[51] National Planning Commission (NPC) has formulated Multi-Sectoral Nutrition Plan for the period 2013 to 2017. National Nutrition Policy, 2004, School Health and Nutrition Strategy, 2006, Maternal Nutrition Strategy, 2013, and various other programmes have been implemented with the objective of sustainably reducing the incidents of malnutrition. Some of the major programmes include free distribution of iron capsules and vitamin A to pregnant women and breast-feeding mothers, free distribution of vitamin A and de-worming capsules for children up to five years, maternal and child health care programme and anaemia reduction programme for children.

124. The GoN has been implementing program for community livestock development which reduced poverty in a gender-inclusive and socially equitable manner by improving food security, nutrition, income and employment for rural women.

125. To increase the access of women to land, the GoN has been implementing a provision of providing 30 percent rebate in the VDCs and 25 percent in municipalities in land registration fees while registering the land in the name of a woman or jointly in the name of a couple. Property right of women on land is guaranteed by the Land Act, 1964 and General Code, 1963.

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[48] Poverty Alleviation Fund, 2015.

[49] The Ministry of Industry (MoI) and UNDP jointly conducted a systematic analysis in 2010 to assess the changes in socioeconomic conditions and livelihood of beneficiaries, and how they benefitted from micro-enterprise operations.

[50] MEDEP, Impact Study on Empowerment of Women, Dalits, Indigenous nationalities and others. *Poor through Micro-Enterprise Development Programme*, December, the study was commissioned jointly by Ministry of Industry, Government of Nepal, UNDP and AusAID, 2014.

[51] Article 36 of the Constitution.

Women facing multiple forms of discrimination (paragraphs 39 and 40)

126. The Constitution, legislations, policies and programs provision to end multiple forms of de facto discrimination against women. Legal and structural discriminations are no more in the existence.

127. WCOs collect data on discrimination against women from disadvantaged groups for the purpose of assessment and integrating that data into planning and programming along with coordinating with law enforcement agencies for necessary action.

128. Caste-based Discrimination and Untouchability (Offence and Punishment) Act has been enacted in 2011. The GoN through National Dalit Commission, Neglected, Suffered and Dalit Class Upliftment Development Committee, and Backward Community Upliftment Development Committee has been implementing different awareness raising campaigns, and targeted programs including monitoring of the cases and providing support to the victims to increase access to justice.

Asylum-seeker and refugee women (paragraphs 41 and 42)

129. Nepal is not a party to the Refugee Convention, 1951 and its Protocol, 1967. However, it has provided temporary shelter to refugees on humanitarian ground. Nevertheless, the refugees who entered Nepal before 1990 have been provided refugee status. Nepal has been respecting the principle of non-refoulement. Likewise, it has taken the policy to facilitate the return of those foreigners who either do not have visa to stay in Nepal or whose visa has already expired.

130. Nepal is hosting a large number of refugees, mainly from Bhutan, although their numbers have steadily decreased in recent years as a result of third-country resettlement program. With collaborative efforts between the GoN and UNHCR, necessary protection and assistance have been provided to all refugees including women and girls on humanitarian ground.

131. The presence of full-time lawyers in Nepal's refugee camps has improved refugees' access to legal protection. These professionals conduct legal awareness sessions, represent refugees in courts, and improve community mediation services.

Discrimination in marriage and family relations (paragraphs 43 and 44)

132. The Constitution and legislations guarantee women's right to equality and non-discrimination in marriage and family relations. The chapter on marriage of General Code, 1963, fully recognizes and protects the right of every person to establish matrimonial relationship with a person of own choice. Early and child marriage, forced marriage and marriage caused by fraud are prohibited by the General Code. Any persons involved to execute such marriage are liable to face penalty including imprisonment.[52]

133. In order to make legal reforms to invalidate polygamy, provide equal rights of women to inheritance, and equal rights to share all marital property even upon dissolution of marriage, an Act to Amend Some Nepal Acts to Maintain Gender Equality and End Gender-based Violence, 2015, has amended the provisions of the chapter on husband and wife, inheritance, partition, women's share and property,

[52] The cases of child marriage initiated in court of law are presented in Annex - XVIII.

and marriage of the General Code, 1963 to strike discriminatory provision on marriage and family relations.[53]

134. WCOs are implementing comprehensive awareness and gender sensitization programs in collaboration with civil society and community based organizations to eliminate child marriage and raise awareness on negative effects of early marriage. NWC is implementing national campaign against child marriage and for the protection of rights of girl children.

National Human Rights Institution (NHRI) (paragraph 45)

135. The Constitution establishes following eight constitutional bodies as National Human Rights Institutions entrusted with protection and promotion of human rights:

(a) NHRC;

(b) NWC;

(c) Nepal Dalit Commission;

(d) Nepal Inclusion Commission;

(e) Indigenous Nationalities Commission;

(f) Madhesi Commission;

(g) Tharu Commission;

(h) Muslim Commission.

136. The GoN has always been supportive to provide budget and resources for the smooth functioning of NHRIs. The NHRC enjoys structural, functional and financial independence in line with the Paris Principles and have maintained "A" status.[54] The constitutional mandate, independence and autonomy of the NHRC guaranteed by the constitution are further elaborated by the NHRC Act, 2012. Pursuant to the judgment of the Supreme Court,[55] the NHRC Act has been amended. After the promulgation of new constitution, the GoN is working to further revise the Act in line with the Constitution in consultation with the NHRC.

137. Continuous engagement with the UN system and other international organizations for the protection and promotion of human rights is cardinal policy of the GoN. Nepal has been working closely with the UN human rights mechanisms through continuous collaboration, and extending invitations to the UN human rights mandate holders under special procedures to visit Nepal at different times.

Amendment to article 20 (1) of the Convention (paragraph 46)

138. The GoN will consider accepting the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.

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[53] Amendment made in General Code: number 1, number 4, number 5 in the chapter on husband and wife; number 1, number 3, number 4, number 11, number 19 in the chapter on partition; number 5 in the chapter on women's share and property; number 2, number 3, number 6, number 7, number 9 and number 12 in the chapter on inheritance. Similarly number 1(a), number 8 and number 9 in the chapter on partition; number 7 in chapter on women's share and property; number 10 and number 11 in the chapter on inheritance have been stroked out.

[54] The International Coordination Committee of the National Human Rights Institutions accredited the NHRC with "A" status.

[55] In the case of *Om Prakash Aryal vs. GoN*.

Dissemination of concluding observations and comments (paragraph 47)

139. The Concluding Observations was disseminated for public knowledge and duly communicated to all ministries and central level agencies, the Legislature-Parliament, the Judiciary, GFPs, key stakeholders outside the government including human rights organizations upon its receipt. The GoN has taken the Concluding Observations as one of the important basis to revise existing legal and policy measures.

140. The concluding observations have been published by the MoWCSW to be used as primary information, education and communication material.

Ratification of other treaties (paragraph 48)

141. The GoN pursues a policy to continue for joining further international instruments to which it is not a party. For this, it has taken the policy to make assessment in order to find out the gaps and to build requisite infrastructure before joining any international instrument. Hence, after developing the requisite legal, policy and institutional mechanisms, the GoN will consider towards joining further international instruments including, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearances in due course of time.

Follow-up to concluding observations (paragraph 49)

142. The GoN had submitted written information to the CEDAW Committee on the steps undertaken to implement the recommendations contained in the concluding observations' paragraphs 26 and 36.

143. Specific mechanism established within the OPMCM for monitoring and follow up of the implementation of CEDAW and other human rights instruments is in operation. The MoWCSW has been working to internalize the Concluding Observations in sectoral policies, strategies and programs. GFPs have been established in all ministries, and central level agencies of the government have been empowered with skills and responsibility to follow up implementation of CEDAW in the respective agency and to prepare and share the progress of achievements.

144. NHRC and NWC have also established mechanisms for monitoring and follow up of implementation of human rights instruments.

Technical assistance (paragraph 50)

145. Enhancing international cooperation in the protection and promotion of human rights, and soliciting international support and understanding on the efforts made by the country are being carried out regularly through constructive engagement. Nepal has been cooperating with United Nations human rights mechanisms and, on the basis of its needs, has been working in collaboration with other specialized agencies and programs of the UN system.

Part II

New Developments and Progress Achieved in CEDAW Implementation

Articles 1 and 2

Review and amendment in discriminatory laws

146. As the outcome of the broad-based consensual political discourse, the Constitution has integrated gender equality by eliminating all forms of discrimination against women through clear provision from women's rights framework and the spirit and intent of CEDAW. The Constitution[56] provisions that 'every woman shall have equal lineage right without gender-based discrimination' and 'the spouse shall have the equal right to property and family affairs'.

147. The GoN has been undertaking sectoral interventions to eliminate all forms of discrimination against women and girl children. Caste Based Discrimination and Untouchability (Offence and Punishment) Act, 2011, Witchcraft related Accusation (Offence and Punishment) Act, 2015, and Sexual Harassment at Workplace (Control) Act, 2014, are landmark legislations to maintain gender equality and ending GBV.

148. The SC has been playing instrumental role in developing gender friendly jurisprudence by defining the term 'discrimination' pursuant to the Article 1 of the Convention and has taken positive actions to further implement CEDAW and other instruments addressing gender equality and empowerment of women. Active participation of human rights organizations and non-government organizations supported the GoN to harmonize the policies and laws to address discrimination on the basis of gender.

Articles 3 and 4

Measures to Accelerate Equality between Women and Men

149. The Constitution guarantees the right to gender equality, equal protection of law, and non-discrimination.[57] The Constitution outrightly prohibits discrimination of any kind. For accelerating equality between women and men, the Constitution empowers the State to make special legal provisions for the protection, empowerment or advancement of the women. The Constitution, thus, has widened the scope for accelerating equality between women and men in multiple realms: political, social and cultural. Several legislations are in place to make special treatment for women by adopting positive discrimination and reservation in public, educational and political field.

150. The current Plan has made gender equality and women's empowerment as the key priority of national development, and its long-term vision is to build gender-inclusive and equitable nation by guaranteeing equal rights for women and men.

151. Government agencies are following gender-responsiveness in planning, programming, budgeting, executing and monitoring of development programs. Different government agencies are executing gender-responsive policies and plans of action for accelerating gender equality and empowerment of women and girls. Such plans and policies include:

[56] Article 38 of the Constitution.
[57] Article 18 of the Constitution.

(a) National Human Rights Action Plan, 2014;

(b) National Action Plan for the Elimination of All forms of Discrimination Against Woman, 2004;

(c) National Action Plan for Gender Equality and Woman Empowerment, 2004;

(d) National Action Plan Against Human Trafficking Specially of Women and Children, 2012;

(e) National Strategy and Action Plan for the Elimination of Gender-based Violence and Women Empowerment, 2013;

(f) Plan of Action for Implementation of the Outcomes of 57th Session of UN Commission on Status of Women (UNCSW), 2013;

(g) Communication and Information Technology Policy, 2015, focuses on increasing the access of women and other deprived communities living in remote areas to communication and information technology;

(h) Climate Change Policy, 2011, with a key intent of prioritized participation of women in the implementation of adaptation and climate change related programs. The concerned ministry has initiated the formulation of Gender Strategy in Climate Change to effectively mainstream gender into climate change issues;

(i) National Climate Change Support Program with gender equality measures;

(j) Agriculture Development Strategy, 2015 (ADS), with achieving gender equality in agriculture as an integral component;

(k) The Election Commission has adopted a Gender and Social Inclusion Policy since September 2013 with emphasis on achieving gender balance at all stages of the electoral process with special focus on increasing women's participation in the election system of Nepal.

152. In relation to resources allocated to gender equality and women's empowerment, the GoN has taken significant steps towards greater gender equality by increasing its GRB allocation from 11.3% in 2007-08 to 23.10% in 2016-17.[58] The GoN has also allocated some targeted budgets to local communities, which includes a 10% allocation for women's leadership at the community level. The number of women participating in the nationwide WDP reached almost 800,000 in the year 2014. The WDP had coverage in all VDCs of Nepal's 75 districts in the year 2013.[59]

Article 5

Measures to end Traditional Cultural Practices

153. The Constitution guarantees rights against exploitation and discrimination from all harmful traditional practices that discriminate women. No laws and policies of Nepal recognize and protect such harmful practices. State agencies and even the private persons are prohibited to make any treatment against women which undermines the fundamental freedom of women. *Chhaupadi*, *Kamlari* and *Deuki* system have been formally abolished and child marriage has been made illegal.

[58] MoF, 2015, the detail is given in Annex XI.
[59] DoWC, GoN, 2015.

162. To strengthen the Attorney General's Office for an effective investigation and prosecution of traffickers, a multi-stakeholder coordination committee has been formed and made functional.

163. Women and Children Service Directorate under the Crime Investigation Department of Nepal Police is ensuring widely available, fair and specialized services for women and child victims and survivors of trafficking. The initiative is to ensure justice accessible for women and children by providing a conducive reporting environment. Nepal Police has also formed a High-level Task Force to Investigate the Crime to prevent and control the incidences of trafficking and illegal migration of persons in general, and women and girl child in particular, in response to the risks fuelled by the human displacements and loss of livelihood due to devastating earthquakes of April and May 2015. Nepal Police has also organized awareness raising campaigns to sensitize vulnerable women and children in 4 severely earthquake-affected districts out of 14. Security check posts in 10 critical points and 20 border locations have been established for carrying out intensive vigilance and security checks to prevent the incidence of trafficking in women and girls.

164. Please refer to paragraphs 46 to 50 of the report in response to paragraphs 21 and 22 of the Concluding Observations for details on other measures being implemented.

Articles 7 and 8

Measures to ensure political, public and international participation

165. The GoN has adopted two key strategies in increasing women's meaningful public participation: (a) Taking measures to ensure women's equal access to and full participation in power structures and decision-making and (b) Increasing women's capacity to participate meaningfully in decision-making and leadership. Please refer to the response in paragraphs 51 to 55 of the report in response to paragraphs 23 and 24 of the Concluding Observations for details on other measures being implemented.

166. Presently, in the Legislature-Parliament, the representation of women is at 29.91%. In the NWC, the Chairperson and Members are appointed only from women candidates. Women's representation in TRC and CIEDP has been ensured. Likewise, Election Commission, Commission for the Investigation of Abuse of Authority, PSC, NPC and NHRC has one female member each.

167. Currently, the representation of women in civil service is 15.3 percent. It is 5.8 percent in Nepal Police, 2.58 in Nepal Army, 3.4 in Armed Police Force and 1.76 in the judiciary. To encourage women's entry into public services, the GoN is implementing various programmes that empower women in terms of education, health and other services targeting marginalized communities, and a Gender and Social Inclusion Strategy is being mainstreamed in all the ministries.

168. Women's engagement in teaching profession is also in increasing trend with 50.6 percent female teachers, outnumbering those of males.[60]

169. Women's participation is remarkably high (69%) in community forestry with significance in livelihoods, employment and leadership especially for rural women. Further, according to the Department of Forest, of the total number of 159,876

[60] Please refer to Annex XV for detail.

154. Role of the Domestic Violence (Offence and Punishment) Act, 2009 and its Rules, 2010, Witchcraft related Accusation (Offence and Punishment) Act, 2015, and several amendments in General Code have been effective to end harmful traditional practices and to protect girls and women from discrimination and exploitation in society. These legislative reforms focus both on preventive and punitive approach to end such harmful practices and bring the perpetrators within the ambit of law.

155. Other institutional measures including National Steering Committee under the Prime Minister to address GBV, gender empowerment unit at the OPMCM, OCMCs, district and community services centres, WCSCs, WCOs, and local level watch groups established at the central and district level have also contributed to address the critical concerns of victims of gender-based violence. Some programmatic measures include: implementation of National Plan of Action against GBV since 2010, and implementation of Integrated Development Program of Women Organizations through DoWC for eliminating GBV. Under this program, district level WCOs have formed Ward-level Watch Group in selected VDCs of 75 districts to raise awareness against GBV and increase access to justice for GBV survivors. Please refer to paragraphs 31 to 45 of the report in response to paragraphs 19 and 20 of the concluding observations for detail.

156. Adoption of separate policies, guidelines, mechanisms, and increase in number of dedicated police personnel are some of the measures adopted by Nepal Police to end harmful practices and GBV.

157. The SOP for Prevention and Response to GBV, 2011, developed by the OPMCM is in operation. Likewise, NWC's SOPs are in operation for the prevention and control of GBV.

158. Under the Legal Aid Act, 1997, the GoN is providing free legal aid through courts of law, all government established shelter homes and rehabilitation centres for the survivors of VAWG. Similarly, Nepal Bar Association and numerous non-government organizations are also managing free legal aid services for women. The Access to Justice Program led by Nepal Bar Association has been implemented in various districts benefiting women and girls victims and survivors.

159. With the recognition of maternity as a social function, both mother and father are entitled to paid maternity leave and allowance. Awareness on maternal and child care, vaccination, periodic antenatal and postnatal check-up and role of husband and family members have been on increasing trend.

Article 6

Measures to end Trafficking in Women

160. The GoN has constituted a national committee at the central level and district committees in all districts for effective implementation of the Human Trafficking and Transportation (Control) Act, 2007. Likewise, Immigration Act, 1992, and Foreign Employment Act and Regulation, 2007, have been operationalized. Fast track court proceedings are applied in the cases of human trafficking and sexual abuse as provided in the District Court Rules, 1995. The GoN is implementing National Plan of Action against Human Trafficking, 2011-2021.

161. The GoN has been drafting two separate bills on witness and victim protection.

committees in Community Forest Groups, women committees have the stake of 40,727, which is more than one-third of the total members.[61]

170. Likewise, at least one-third members of over 1,725 Local Peace Committees formed in all districts are women.

171. Women have also participated in UN Peacekeeping Missions as women police personnel. A total of 329 women police officials have already served in such positions.[62]

172. Of the total 45,632 key position holders in PAF supported Community Organizations (COs), 63 percent are female, in conformity with PAF's affirmative approach for the empowerment of the poor women. Likewise, among the women position holders, a remarkable portion of participation is from Dalit and Indigenous women.[63]

Article 9

Nationality (citizenship)

173. The Constitution guarantees equal right to identity for every Nepali citizen as a fundamental right irrespective of gender. Please refer to paragraphs 56 to 60 of the report in response to paragraphs 25 and 26 of the Concluding Observations for details on other measures being implemented. To enforce these constitutional provisions, and to implement the orders of the SC[64] and the Appellate Court, Nepalgunj,[65] the MoHA also issued a circular directing all the DAOs to issue citizenship certificate to children based on the identification made by his/her guardian without mentioning anything in the column of parent with the condition that he/she will have his/her citizenship certificate reissued if parents are found later.[66]

Article 10

Education

174. The Constitution guarantees compulsory and free education up to basic level and free education up to secondary level.[67] It ensures, amongst others, the right of children to education from families and the State.[68] Eighth amendment of *Education Act, 1971* in 2016 further ensures free education up to secondary level.

175. The GoN has implemented the strategies and work plan under the 13th Plan to ensure equitable access to education for women of indigenous, *Dalit* and other

[61] Department of Forest, Ministry of Forest and Soil Conservation, GoN, 2014.
[62] Women and Children Service Directorate, Nepal Police, 2014.
[63] Annual Report, 2012, Poverty Alleviation Fund.
[64] In the case of *Sabina Damai*, the Court issued an order, by decision, to the concerned DAO to provide the citizenship certificate by decent to the applicant in the name of mother (*Sabina Damai vs. Government of Nepal, decided on 27 February 2011*). In the case of *Ranjeet Thapa vs. GoN* and *Nakkalie Maharjan vs. GoN*, the SC has further recognized the right of acquiring citizenship in the name of mother.
[65] The Appellate Court, Nepalganj has ordered the local administration to issue citizenship certificate in the name of the mother, aligned with CEDAW provision on the basis that citizenship is directly linked with the right to identity and recognition of women as mother as a source of citizenship equal to that of men.
[66] As per the circular issued by MoHA.
[67] Article 31 of the Constitution.
[68] Article 39 (2) of the Constitution.

disadvantaged and marginalized groups through special measures like reservations and scholarships. Based on this, the GoN has provided a monthly stipend of Nrs. 1,500 to 3,000 to low-income students of *Dalit*, *Chepang*, and *Raute* communities who have passed the School Leaving Certificate Examination with first division from public schools since 2014/15. The current budget has also provisioned to bear all costs for the students belonging to *Dom*, *Badi*, *Chamar* and *Musahar* of the *Dalit* community to study engineering and medicine at the graduate level.

176. The GoN has also been providing scholarships for intelligent PWDs, conflict affected, freed *Kamlari*, marginalized and *Dalit* students. The mid-day meal program being implemented in Karnali Zone and neighbouring 14 districts has been extended to the children belonging to the endangered communities like *Badi*, *Dom*, *Chamar*, *Musahar*, *Chepang* and *Raute*.

177. Scholarships have been provisioned to technical diploma study for one thousand people from *Haliya*, *Kamlari*, *Chepang*, poor Muslims, *Madhesi Dalits* communities and 10 backward districts of the Far-West and Mid-West Regions with special allocation of Nrs. 110 million for this purpose.[69]

178. Nepal has made excellent progress in ensuring equal access to education with increasing net enrolment rate at primary level from 64 percent in 1990 to 95.3 percent in 2013.[70]

179. Gender equity index at Basic Level education (1-8) and class (9-10) stood at 1.03 and 1.04 respectively. This shows that the number of girl students in class (1-10) is higher than that of boy students. The status of girl student by levels in comparison to boys in the academic year 2014 is presented in Annex V.

180. Gender disparity in primary and secondary education has been eliminated in Nepal as targeted by the MDGs. In 2015, such ratio of girls to boys at all levels of education has been achieved as 1.0.[71]

181. As the major educational development initiative of the government, the SSRP includes a range of measures to promote equity and inclusion in education, including scholarships and incentives for girls, *Dalits* and indigenous nationalities. A Vulnerable Community Development Plan is being implemented to provide greater educational opportunities to the most vulnerable groups.

Article 11

Employment

182. The Constitution ensures every citizen's right to employment, to choose employment freely[72] and freedom to practice any profession, occupation or operate industry, trade or business.[73] It ensures women's right, amongst others, to obtain special opportunity in employment and social security on the basis of positive discrimination.[74] Therefore, the Constitution guarantees no discrimination between men and women in employment opportunities in public services, companies, industries, and factories. Likewise, the Constitution strictly prohibits discrimination on remuneration and social security for the same work on the ground of gender.[75]

[69] GoN's Program and Budget of 2015/16.
[70] MDG progress report, 2013, NPC.
[71] Please refer to Annex III for detail.
[72] Article 33 of the Constitution.
[73] Article 17 (2) (f) of the Constitution.
[74] Article 38 (5) of the Constitution.
[75] Article 18 (4) of the Constitution.

183. The 13th Plan and the Labour and Employment Policy have strategically focused on ensuring that women's employment is safe and systematic. Likewise, the policy has continued efforts to make foreign employment inclusive and pro-poor by imparting employment-oriented skill training and entrepreneurship development so as to increase access of women to employment, especially women from poor, *Dalit*, indigenous and disadvantaged groups.

184. The GoN is implementing Industrial Policy, 2010, as strategic platform for the development of entrepreneurship and employment creation for women. Key provisions of the policy also include inclusive development of industry in Nepal with gender-responsive provisions and addressing the issues and concerns of marginalized communities.

185. There has been a gradual increase of female wage earners in non-agricultural sector with figures standing at 32 percent in 2004 and 45 percent in 2011.[76]

186. There has been a rapid increase of women in foreign employment. The NPC has reported 30-fold increase in women's share of the total foreign labour force from 0.2 percent in 2007 to 5.7 in 2012.[77] Of the total 364,740 migrant workers by the end of first eight months of FY 2014/15, skilled women account for 6.4 percent while among the men, it is 12.5 percent.[78]

187. The Economic Survey, 2015 shows an encouraging status of female recipients of skill development training imparted by government and non-government agencies.[79]

188. For increasing employment opportunities for women in Nepal, several initiatives have been carried forward in the fronts of strategy development, structural and systemic reforms, capacity development, affirmative program interventions and behavioural development with visible impacts.

189. As per the provisions of the Sexual Harassment at Workplace (Control) Act, 2014, complaint hearing mechanisms are being established within office/workplace premises.[80] The Act mainly aims to prevent sexual harassment in hotels, bars, dance bars and restaurants where large numbers of women are employed. Pursuant to the Act, any form of verbal or physical harassment, gestures or pornographic messages are punishable by three months in prison and a fine of Nrs. 25,000. The Act is expected to create enabling environment for women in workplaces.

190. In promoting women's economic rights and independence including access to employment, appropriate working conditions are being imparted. Likewise, for ensuring equality at work for women, all the discriminatory laws against women workers have been eliminated. To improve the quality of workplaces for women, GoN has introduced the service of day care centres, early childhood education and development, and development of parental skills.

191. Micro Enterprise Development Program (MEDEP)[81] activities are carried out in 38 districts for improving social and economic status of the people belonging to low income and socially excluded groups. By the first eight months of FY 2014/15,

[76] CBS, 2011.

[77] MDG progress report, 2013, NPC.

[78] Department of Foreign Employment, GoN.

[79] Please refer to Annex XI for detail.

[80] The Act has defined "workplaces" as government offices, constitutional bodies and public institutions under the government. Any other organization, institution, business or service center established under existing laws is also defined as workplaces.

[81] Government's collaborative intervention in developing Micro Enterprise Development Program (MEDEP), which has been assisting in poverty alleviation in Nepal through micro enterprise since 1998 is in its fourth phase.

i.e. in the 16 years of operation of MEDEP, about 71 thousand have become micro entrepreneurs while about 80 thousand have obtained sustainable employment. As per the indicators of Social and Gender Inclusion Principle, 69.0% women, 24.0% Dalit, 37.0% indigenous people, and 55.0% youths have obtained micro entrepreneurial/employment opportunity.[82]

Article 12

Health

192. Acknowledging the fact that health service is a fundamental right of the people as guaranteed by the Constitution,[83] the GoN provides free basic health care services to all with special focus on socially and economically disadvantaged people, gender, caste, community and sector. Focus of the interventions has been on improving maternal and child health, reproductive rights of women, strengthening the delivery system of health services and improving the access of women to quality health services.

193. The Constitution ensures women's right to reproductive health and reproduction.[84] Nepal has made considerable progress on sexual and reproductive rights. The GoN has been adopting holistic approach in prevention and treatment of the uterine prolapse and Silicone Ring Pessary is provided free of cost in its treatment.

194. The 13th Plan has adopted the strategies to address gender disparities in health by extending the services, developing the capacity, making the services more inclusive with focus on women of disadvantaged and marginalized groups.

195. The GoN is implementing new National Health Policy-2014 to strengthen the system for quality delivery of health services to the people, and build the basis of equity and social justice by ensuring the access of the poor, marginalized and at risk community to the health services. The policy promotes health as a fundamental human right of every citizen. In order to achieve effective results of the Policy, the GoN is implementing Nepal Health Sector Strategy, 2015-2020, with four strategic directions for delivery of quality health service for all: Equitable access to health services, Quality health services, Health system reform and Multi-sectoral approach.

196. With the objective to help decrease the infant, child and maternal mortality rate and to increase the average life expectancy, the GoN in the current FY has allocated Nrs. 33.52 billion for the overall improvement of health indicators. Nepal has achieved most of the health related MDGs. Nepal was awarded the MDG Achievement Award in 2011 for its achievement in reducing maternal mortality rate (MDG 5), the Motivational Award for its significant achievement in reducing child mortality rate (MDG 4), and the Resolve Award by Global Leaders Council for Reproductive Health for considerable achievement in reproductive health.

197. The National Safe Motherhood Program is being implemented with the goal to improve the maternal and neonatal health through preventive and promotional activities as well as by addressing avoidable factors that causes complications of pregnancy and childbirth. To reduce the risks associated with pregnancy and childbirth and address factors associated with mortality and morbidity three major strategies have been adopted in Nepal:

[82] Economic Survey 2014/15, MoF.
[83] Article 35 of the Constitution.
[84] Article 38 (2) of the Constitution.

(a) Promoting birth preparedness and complication readiness including awareness raising and improving the availability of funds, transport and blood supplies;

(b) Encouraging for institutional delivery;

(c) Expansion of 24-hour emergency obstetric care services (basic and comprehensive) at selected public health facilities in every district.

198. Since the mid-1990s, Nepal has made significant progress in improving maternal health. The maternal mortality ratio has declined from 415 deaths per 100,000 live births in 2005 to 170 in 2013.[85] The proportion of women delivering at an institution increased from 11 percent in 1996 to 55 percent in 2014 against a target of 60 percent by 2015.[86] Life expectancy at birth for women in 2006 was 65 years which has increased to 69 years in 2012.

199. To increase women's access throughout their lives to appropriate, affordable and quality health care, information and related services, the Nepal Health Sector Plan — Implementation Plan — II (2010-15) is focused on improving health service delivery. The Plan prioritized reaching the unreached and has strong focus on gender and social inclusion. Two overarching guidelines are under implementation, i.e. GESI Institutional Structure Guidelines (2012) and the Operational Guidelines for GESI Mainstreaming in the Health Sector (2013). The increasing importance is given to GESI agenda as more than 30% of its budget has been allocated for GESI activities since 2013/14. It is expected that the inclusion of GESI disaggregated data for 11 Health Management Information System indicators will provide improved data for decision-making.[87]

200. In the FY 2013/14, national level antenatal Check-up first visit has increased to 86 percent. Institutional delivery has increased to 50 percent in FY 2013/14 as compared to 44 percent in FY 2011/12. Percentage of mothers who received first postnatal care at the health facility among expected live births has also increased to 59 percent in the reporting year. In FY 2013/14, percentage of women who had first postnatal Check-up visits among estimated live birth increased to 59 percent from 56 percent in the FY 2011/12. In FY 2013/14, a total of 90,468 Comprehensive Abortion Care (CAC) and PAC service has been provided out of which 78,101 women received CAC service from 776 listed sites. Out of the total 24 percent women who received long acting contraceptive methods, 1.3 percent encountered post abortion complication.[88]

201. The National HIV/AIDS Strategy is a national guiding document and a road map for the next five years for all sectors, institutions and partners involved in the response to HIV and AIDS in Nepal to meet the national goal; to achieve universal access to HIV prevention, treatment, care and support with two major programmatic objectives: (i) reduce new HIV infections by 50% and (ii) reduce HIV-related deaths by 25%, by 2016. The male to female sex ratio of total HIV infection came down from 2.15 of 2006 to 0.54 for the year 2014.

202. FCHVs have been effective in delivery of quality health services for rural women, networking local women volunteers and mobilization of resources. FCHVs have been promoting safe motherhood, child health, family planning, and other community based health services to enhance health and healthy behaviour of mothers and community people with support from health workers and health facilities. FCHVs have contributed in distribution of 53 percent oral pills and

[85] Nepal MDGs: Progress Report 2013, NPC.
[86] Joint Annual Review Report, 2014/15, Ministry of Health.
[87] Ibid.
[88] Annual Report, 2013/14, Department of Health Services.

47 percent ORS packets at the national level. Service statistics shows that more than one half of the diarrhoea and Acute Respiratory Infection cases were treated by FCHVs.[89]

203. With the endorsement of MSNP in 2013, unprecedented resources have been channelized to improve the food security and nutritional status of women and children in the country. Several projects on food security and nutrition have been initiated and being implemented in different parts of the country with the support from external development partners. The GoN has recently convened the "Thousand Golden Days" awareness campaign to improve nutritional status of women and children.

204. The GoN has been providing food assistance to Pregnant and Lactating Mothers (PLM) and children aged 6 to 36 months through the Mother and Child Health Care (MCHC) activity of the Country Programme since 2001 in alignment with the Government's long-term and interim strategic plan under the nutrition and safer motherhood programs. Under the MCHC Programme, a monthly "take home ration" of fortified supplementary food is provided along with health services, growth monitoring and counselling from government and community health staff in nine program districts.[90]

205. The GoN has been implementing immunization services to better prevent, control, and eradicate diseases thereby reducing the infant, child and maternal mortality rate. The GoN is making efforts to increase the rate of child immunization from existing 83 percent to 100 percent and has formulated the National Immunization Operation Rules, 2013, to establish an immunization fund to ensure sustainable financial sources for immunization.

206. Women empowerment and awareness program is continued by further constituting Women Groups at ward level of entire VDCs to support rural women's health. National Adolescent Sexual and Reproductive Health program is being gradually scaled up to meet the Nepal Health Support Program II target of making 1,000 public health facilities adolescent-friendly by 2015. As of July 2014, a total of more than 1,000 health facilities in 59 districts are providing adolescent-friendly services in support of different stakeholders.[91]

207. Improved cooking stoves are being promoted in all rural parts of the country, which has contributed towards reducing indoor air pollution thereby improving the health of women and children, as well as reducing firewood consumption and decreasing women's time spent on cooking.[92]

Article 13

Economic and Social Life of women

208. The Constitution and prevailing laws guarantee equal rights, opportunities, and participation in all areas of economic and social life for both men and women.

209. Community forest user groups have been instrumental in empowering women, the poor and disadvantaged as well as improving livelihood through employment and community development activities.

[89] Ibid.
[90] The programme districts are Darchula, Bajhang, Baitadi, Dadeldhura, Doti, Achham, Bajura, Salyan and Solukhumbu.
[91] Annual Report, 2013/14, Department of Health Services.
[92] Alternative Energy Promotion Centre, National Rural and Renewable Energy Program.

210. Under the Youth and Small Entrepreneurs Self-Employment Fund, easy collateral free periodic wholesale loan of Nrs. 200,000 per person has been provided through banks and cooperatives so as to make better the lifestyles of economically deprived groups including the rural, Dalit and conflict affected women with traditional skills by increasing their incomes through agricultural, vocational and service oriented businesses.

211. The GoN's social security schemes have been vital in enhancing social equity and justice. The government has been providing social security benefits through various programs to the most vulnerable groups in the country since 1994/95. Major recipients of social security allowances are senior citizens, single women, persons with disabilities, targeted marginal communities, and other women and children, of whom more than 50 percent are women. The second largest social security allowance system is that for single women.[93]

212. The GoN has been implementing National Housing Plan, 2014 to ensure favourable, secure and environment-friendly shelter for all income groups. Concessional housing loans are provided through finance companies, revolving funds and income-generating funds to the backward families including women, *Dalit*, freed bonded labourers and indigenous nationalities.

213. The GoN is implementing a plan for ensuring scientific land reform and equitable access of socially and economically disadvantaged people to land, especially rural women. It focuses on addressing the need of the women of socially and economically disadvantaged communities.

214. Land and financial support are being provided to freed bonded labourers and landless people. Besides, the GoN has been implementing National Land Use Policy, 2015, for the overall management of land including categorization of land to protect agricultural land to ensure food safety.

215. Irrigation Policy, 2013, ensures women's participation in irrigation and water management user groups and committees and focuses to enhance rural women's social and economic status in their communities.

Article 14

Women in rural areas

216. As a priority concern of national macroeconomic and development policies that address the needs of women in poverty, the twelfth plan and thirteenth plan focused on poverty reduction through gender equality, empowerment of women and inclusion of socially disadvantaged groups. These plans contain several measures to address the feminization of poverty.

217. Poor access of rural women to basic human development services and infrastructures limit their opportunities to reduce poverty and combat discrimination. Realizing the fact that improving rural women's access to productive resources is central to addressing social and economic development, the GoN has been implementing the WDP for more than three decades. As an integral component of the WDP, DoWC has been implementing Women against Poverty program in 43 high-poverty districts to reduce poverty of rural women, especially women from marginalized and excluded groups via social mobilization, occupational capacity development, women entrepreneurship development, and institution building. The WDP has been successful in mobilizing women groups and over 1,560 registered cooperatives for economic empowerment of poor and deprived women through

[93] NPC, 2012.

income generation project. The National Policy on Cooperatives, 2012, enhanced women's cooperatives, which subsequently expanded opportunities for rural women.

218. The GoN is implementing MEDEP which is contributing to build the economic base of rural women and reduce poverty through women's entrepreneurship and employment, especially women from poor, Dalit, and marginalized communities of Nepal. MEDEP takes GESI approach by ensuring "two-third of positions by Women, Dalits and Indigenous people in all decision making". It has adopted a Gender and Socially Inclusive Management Information System for gender-responsive self-assessments. MEDEP as the mainstream program to improve employment opportunities for rural women has been effective in reducing poverty and generation of employment.

219. Valuing gender equality as an integral part of local self-governance, Resource Mobilization and Management Guideline, 2012, has been implemented for the effective utilization of local resources, especially for women, children and socially excluded target populations. According to the guideline, the benchmark for allocation of resources is at least 10 percent for programs and projects that directly benefit women. This has expedited the mainstreaming of women's issues in the development plans of local governing bodies to appropriately address various needs of women in their own communities. The Local Bodies Gender Responsive Budgeting and Auditing Guidelines, 2012, has also been put into action for mainstreaming gender into local financing and accountability systems.

220. The ADS, 2015, has been in operation as a long-term intervention with a goal to integrate rural women in agricultural planning and production activities for improved livelihood, and food and nutrition security. Women's economic empowerment through participation in commercial farming and livestock production is a part of the poverty reduction strategy.

221. In order to make the access of all people to basic health services, One Village One Doctor program is being gradually implemented by ensuring at least one doctor in every health organization. An arrangement is being made for an infrastructure with 43 equipment and tools and required health workers in all government hospitals and health posts.[94]

222. Nepal has initiated a 10-year Zero Hunger Challenge Initiative — 2025 to set a basis for ensuring that every person, including woman and child, enjoy their right to adequate food, and the GoN is in the process to develop framework legislation on right to food.

223. For enhancing the ability of rural women to basic communication, the Constitution guarantees language sovereignty by authorizing the province and local bodies to use local language including Nepali language as formal means of communication in government business. The GoN has been implementing Multilingual Education Implementation Guidelines, 2009, aiming to implement multilingual education in schools. To date, 24 schools have been providing such education. School course-books have already been prepared in 16 mother tongues.

Article 15

Legal rights of women

224. The Constitution guarantees women's equal legal rights and prohibits all forms of discrimination. As the substantive provision of gender equality, justice and

[94] Program and Budget of GoN, 2015/16, MoF.

inclusion from gender perspective, the Constitution makes special provision for protection and promotion of rights of women in conformity with the spirit of CEDAW.

225. The General Code, 1963, which provides the legal provisions on transaction, ancestral property, inheritance and other rights related to family matters, ensures equal rights and obligations of both men and women. Number 1 of the Chapter on Partition of the General Code guarantees the equal rights of daughter in ancestral property. Likewise, the Chapter on women's property empowers women to use and mobilize the property which they own. Furthermore, women are entitled to ancestral property or the property of their husband even after the dissolution of marriage. The Contract Act, 2000 fully recognizes the legal competence of women to enter into contract and terminate it as good as men. Recognizing the vulnerability of women, relevant legislations make special provisions for women to enforce their legal rights through court of law. If any deeds or instrument result adverse effect or restrict on women's rights, the concerned women may file suit to competent court of law in order to declare it null and void.[95]

226. An Act to amend some Nepal Acts to ensure gender equality and elimination of Gender-based Violence has already harmonized provisions in laws from gender equality perspective. It has amended 88 legal provisions giving effect to elimination of all discriminatory provisions.

Article 16

Marriage and family relations

227. The Constitution and legislations guarantee the equal property rights of women.[96]

228. Pursuant to the General Code, the wife, irrespective of age or duration of marriage, is entitled to the share of her husband's property.[97] The existing legal framework provides the same entitlement to the divorced wife.[98]

229. Number 1 of Chapter on marriage of General Code guarantees right to marriage on own choice and full consent, and Number 2 provides same minimum age of marriage for both men and women. Number 1 of the Chapter on Husband and Wife guarantees same rights for both men and women to terminate marriage. Number 4, 5, 7 and 8 of Chapter on marriage provisions punishment against marriage by false representation and fact, by force and without consent.

230. Section 4 (1), 4 (2), 4 (3), and 4 (4) of the Children Act, 1992, assign obligation of parents to take care of their children. Section 8 of the Act and Number 3 (4) of Chapter on Husband and Wife of the General Code provision to maintain contact of children with separated parents on dissolution of marriage. Likewise, number 3 of Chapter on Husband and Wife of General Code guarantees the first right of mother to provide guardianship to her child below 5 years of age after the dissolution of marriage. Number 3 (5) guarantees that separated parent who is not subsisting minor child should provide reasonable expenses for the maintenance of the child. Protecting best interest of child is the paramount principle of the Children Act.

[95] Number 19 of the Chapter on Ancestral Property, and number 10 of the Chapter on Transaction of the General Code.
[96] Article 18, 25, and 38 of the Constitution.
[97] Number 1 of the Chapter on Partition of the General Code.
[98] Number 4A of the Chapter on Husband and Wife of the General Code.

231. The Constitution guarantees the right of every person to freely choose profession and occupation.[99] Prevailing legislations does not prohibit women to freely choose family name after marriage. Married women are free to choose any profession or occupation on their own choice.

232. The Constitution and legislations prohibit child marriage, and Number 2 of Chapter on marriage of General Code sets minimum age for marriage as 20 years. Vital registration Act and Rules,[100] Marriage Registration Act, 1971, and its Rules, 1971, govern provisions relating to marriage registration.

Part III

Progress on the implementation of Beijing Platform for Action (BPFA)

Initiatives and progress achieved in twelve critical areas

Women and poverty

233. The GoN is implementing poverty alleviation policy through periodic development plans to ensure social and economic justice particularly to vulnerable and marginalized groups. Programmes have been carried out for the last two decades with poverty alleviation at the core of development agenda. From the Tenth Plan onwards, poverty has been classified into income poverty, human poverty, and social exclusion. Analyses of these dimensions show notable decrease in overall poverty and improvement of the Human Development Indices. Population under the poverty line shows a declining trend.[101]

234. The WDP, begun in 1982, serves disadvantaged women in all districts. The WDP defines "disadvantaged women" as those who never went to school or passed the SLC examination, or have insufficient financial means. WDP aims to support 5.2 million disadvantaged women through five routes to empowerment and security: (i) Gender equity; (ii) Reproductive health; (iii) Life skills education; (iv) Adequate financial security; and (v) Institutional participation.

235. The GoN's National Policy on Cooperatives, 2012, has enhanced women's participation in cooperatives, and subsequently expanded economic opportunities for rural women. Of approximately 29,000 cooperatives, 2,500 are run by women. Of the 5 million people who utilize cooperatives for savings and credit, women comprise of 45% of total.

236. GESI strategies and plans of action are in operation with the objective to increase women's meaningful participation in public responsibilities and socioeconomic activities. A transformative approach has been adopted with focus on organizing rural women into groups and supporting such groups to mobilize resources for reducing poverty and generating benefits.

237. The ADS, 2015, has been put into implementation as a long-term intervention with a focus on women's involvement in agricultural planning and production activities. Women's economic empowerment through subsistence and commercial farming and livestock production is a poverty reduction strategy of the ADS.

[99] Article 17 (2) (f) of the Constitution.

[100] Section 4 (1) (b) of Birth, Death and Other Personal Event (Registration) Act, 1976, and Schedule 4 of Birth, Death and Other Personal Event (Registration) Rules, 1977.

[101] Detailed data are given in Annex XX.

238. The GoN has continuously revised policies, laws and administrative practices to better ensure women's equal rights and access to economic resources. The substantial increase in women's ownership of land and property to 20% of all households is a positive step toward reducing women's poverty.

239. For addressing feminization of poverty, government agencies have continued preparing and updating gender-based methodologies including gender-based research reports, gender assessments and audits, formulation of gender-responsive development programs, institutionalization of gender-disaggregated data, and have built overall gender management capacity.

240. The 2015 earthquakes have put women at additional risk. To make women, men and children aware of the potential increase in human trafficking after the earthquakes, the GoN has increased advocacy on this issue and enhanced border watch groups for people to report suspected trafficking or receive information on support services.

Education and training of women

241. The Eighth amendment of Education Act, 1971, in 2016 further ensures free education up to the secondary level. The GoN has been funding to provide secondary education (up to 10th standard) for free at the community schools, and to make primary education compulsory. It is effortful to ensure the implementation of free and compulsory primary education through strict adherence to the Education for All National Plan of Action.

242. Through SSRP, a system for allocating sufficient resources and monitoring the implementation of educational reform initiative have been ensured for assuring that the education system is positively impacting girls and women. Gender-sensitive monitoring has been applied for examining gender equality in education. MoE's Educational Management and Information System tracks 15 indicators as defined in the SSRP.

243. *The Economic Survey, 2016*, shows an encouraging progress on women's engagement in educational profession with increased gender equity index. Women's access to employment-oriented vocational education and training has been enhanced with encouraged participation of women in non-traditional trades. WDP has been instrumental in promoting education and training for rural women, especially the marginalized women community.

Women and health

244. Women and health interface has been made mutually reinforcing through strategic vision, appropriate structural set-up, institutional arrangements and behaviour change interventions. Apart from this, mobilization of collaboration and partnerships at local, national and international levels have reinforced improvements in women's health in Nepal.

245. The implementation of Nepal Health Sector Plan — Implementation Plan — II (2010-15) together with the internalization of GESI approach has made health service more gender-responsive and focused on improving health service delivery.

246. Safe motherhood and maternal health, multi-pronged response to HIV, strengthening basic health delivery mechanism, health system monitoring and evaluation, community health management and improvement in the nutritional status of rural and marginalized women population are critical interventions and areas of achievements so far.

247. Please refer to paragraphs 85-96 and 190-205 for detailed data, initiatives, progress and information on safe motherhood and women's health related issues.

Violence against women

248. The GoN regards the VAWG as a key challenge for maintaining gender equality and inclusive development. In response to such critical concerns, the GoN has come forward with focused strategy, plan of action and legal framework. Dedicated institutional mechanism has been formed and strengthened from centre to district and village levels for effectively monitoring the cases of VAWG along with delivery of specialized services.

249. The NHRC and the NWC have been monitoring the cases of VAWG. A GBV Elimination Fund established in 2011 has contributed in sustainable implementation of VAWG campaigns and in providing support to the victims. Research and development efforts are ongoing in course of strengthening response mechanism to address VAWG. Collaboration between the government agencies, security agencies, NHRIs and CSOs has been enhanced to end all forms of GBV.

250. Other interventions made by the GoN to end GBV have been mentioned in response to the Concluding Observations and Articles of the Convention, i.e. in paragraphs 31-45 and 151-157.

Women and armed conflict

251. For providing protective and rehabilitative schemes and ensuring restorative justice for women affected by the armed conflict, two commissions, namely, TRC and CIEDP are established. Please refer to paragraphs 108 to 116 of the report in response to paragraphs 35 and 36 of the Concluding Observations for details on other measures being implemented.

252. For effective implementation of UNSCR 1325 and 1820, the GoN has been moving forward with strategic intent, responsive institution and result-based interventions based on targeted plan of action and coordinated implementation arrangements. Drafting of a new Action Plan (for second phase) has been initiated by MoPR for beyond 2016/17.

253. In order to make legal regime more gender friendly and effective, the GoN has been drafting Victim/Survivor and Witness Protection Bill. The Bill proposes to afford protection to victims/survivors and witnesses in cases of rape, incest, human trafficking, and sexual exploitation along with other serious criminal offences listed in the notification published in the official Gazette.

254. Since FY 2013/14, transportation allowance has been given to State witnesses as per an amendment made in the State Cases Rules, 1999.

255. Psychological counselling and family reintegration services have been expanded all over the country through various rehabilitation and service centres and shelter homes established by both the government and non-government organizations.

256. Nepal Army has established a dedicated Women Section as a mechanism to mainstream gender issues and the issues of violence against women into its organizational system. This section is entrusted with investigating incidents of GBV within Nepal Army.

257. The GoN has been providing social security allowance to all single women including the survivors of armed conflict.

Women and the economy

258. In promoting women's economic rights and protecting independence, including access to employment, appropriate working conditions and control over economic resources, the Constitution and legislations provide reservation and protective measures for women in all public services and State mechanisms. Subsequently, women's participation and contribution in economy has increased significantly.

259. The incentive of rebate on land registration fees for women has helped increase women's ownership of land. Altogether, 20 percent of households reported ownership of land, a house or both in the name of a female member of the household. In urban areas, 27 percent of households reported female-ownership of fixed assets compared to 18 percent in rural areas.[102]

260. As of 2011, 79% of all women aged 10 and older belong to economically active group and female wage earners in non-agricultural sectors have been in increasing trend.[103]

261. There has been a rapid increase of women in foreign employment, as well as women sending remittances back to the country from their jobs abroad. The Department of Foreign Employment estimates (FY 2013/14) that 6.5% of Nepali labour migrants are women.

262. Women's participation has remarkably increased in community forestry with significance in livelihoods, employment and leadership especially for rural women. Please refer to paragraphs 51-55 and 163-170 for details on other measures being implemented.

263. For providing business services, trainings and access to markets, information and technology, particularly to low income women, the government has focused on skill training and entrepreneurship development for women. The Ministry of Industry institutionalized a Women Entrepreneurship Development Fund to strengthen women's economic capacity and business networks.

Women in power and decision-making

264. Due to implementation of gender-responsive affirmative policies for furthering women's equal, full and meaningful participation in power and decision making at all levels, women have begun to secure more significant positions in governance and diplomatic positions. In the positions of the Constitutional, statutory and other governmental bodies, the representation of women has been made mandatory. There has been a consensual effort to develop women's leadership capability in the decision-making positions of the political parties ranging from 5 percent to 30 percent representation of women leaders in such capacity.

265. The private sector umbrella organizations are also adopting measures to build the capacity of women entrepreneurs for leadership positions in the business sector with satisfactory impacts.

266. The Education Act of 1971 provisions 33%-50% of seats for women to partake in all educational management decision-making bodies, from district-level school policy entities to the national level, and the participation of women in School Management Committees has been increasing.

267. As the key area of livelihood of rural women, the share in power and decision making of community forestry has been quite satisfactory. Likewise, in peace

[102] Major Highlights of Population and Housing Census, 2011, Central Bureau of Statistics.
[103] National Census of 2011, CBS.

committees, women's share is 29.38 percent at district committees, 13.33 percent in coordinatorship, and 25.33 percent in local peace committees having instrumental impact on building women's role in local peace building process. Women's participation in COs of poverty alleviation program of PAF has been assessed satisfactory with 63 percent women engaged in decision making.[104]

Institutional mechanism for the advancement of women

268. The institutional capacities of MoWCSW, DoWC and the WCOs have been further strengthened to perform better for the advancement of women. NHRC has been implementing new Strategic Plan to better realize rights-based governance in Nepal.

269. OPMCM's Gender Unit has been effective in coordination, facilitation and monitoring of campaign against GBV and gender justice. Institutions have been expanded from the centre to the local level for the advancement of women and to address the issue of VAWG.

Human rights of women

270. Apart from other fundamental rights, the Constitution guarantees Rights of Women as a fundamental right with recognition of women's critical issues like reproduction, sexuality, participation, human development, equality and non-discrimination, non-exploitation, and equal share in family resources.

271. For the promotion and protection of human rights of women, a five-fold strategy has been put forth: (i) Strategic preparedness; (ii) Institutional capacity development; (iii) Legal reforms; (iv) Advocacy, sensitization and capacity-building; and (v) Collaboration and partnerships.

272. In realizing rights-based governance, the GoN has been implementing the Fourth National Human Rights Action Plan, 2014. The NPA on UNSCR 1325 and 1820 is under implementation to address women's rights issues during and after armed conflict.

273. WCOs have been upgraded with mandate, human resource and financial resource for strengthened delivery of promotional and protective services to reinforce women's rights at local level.

Women and the media

274. For mobilizing media to increase the participation and access of women to voice and expression, the Information Technology Policy has been implemented since 2011. Given the powerful role of the media in respect to gender equality and the empowerment of women, the policy aims to increase access of women and other deprived, rural and marginalized communities to information technology and meaningful use of media.

275. The Federation of Nepal Journalist Associations ensures a minimum of three women in their 29-member Executive Board as a means to make the media gender-friendly and contributory to gender equality and the realization of women's rights.

276. In the past few years, reporting on the cases related to women and GBV have been in increasing trend. Code of Conduct of Press Council Nepal has also contributed to decrease negative or skewed portrayals of women in the press. News related to women has been getting important slots in the editorial, feature news, and front-page news.

[104] Please refer to Annex XV for detail.

Women and environment

277. The Environment Policy and Action Plan, 1992 is a multi-sectoral framework that addresses women's concerns in environmental protection and management. To further materialize this policy, the GoN has been implementing the National Indoor Air Quality Standard and Implementation Guideline, 2009, with provisions to promote gender-friendly environment in the communities and the household.

278. The National Climate Change Policy, 2010, is being implemented with priority given to achieving gender equality and reinforcing participation of women in climate adaptation and climate change related interventions.

279. The National Adaptation Program of Action (NAPA) to Climate Change and Local Adaptation Program of Action (LAPA) to Climate Change are strategic tools to assess vulnerability and to respond systemically to climate change adaptation by developing appropriate adaptation measures at the national and local level. Gender equality and women's participation are integrated as critical components in these plans.

280. The GoN is implementing the National Rural and Renewable Energy Program since July 2012 to improve the living standards of rural women and men, increase their employment and productivity, reduce dependency on traditional energy sources and attain sustainable development by integrating alternative energy with regular socioeconomic activities.[105]

281. The GoN has been working to formulate a separate Gender Strategy in Climate Change in pursuit of mainstreaming gender and achieving gender equality in all spheres of climate change interventions. Women's participation is remarkably high in managing forest-related organizations and resources.

Girl child

282. The GoN launched a NPA for the Development of Adolescents in 2013 with a focus on Innovating for Girls. With respect to responding the needs and concerns of the girl child, the GoN has taken various measures and significant progress has been achieved in the field of education, health service, social participation and skills development.

283. The reporting on the cases of VAWG has been significantly increased as a result of government interventions and support of other stakeholders. To eliminate harmful traditional practices such as *Chhaupadi*, *Kamlari*, *Deuki*, and child marriage, various measures are in place.

284. To promote the rights of the girl child and increase Nepal's overall human development potential, DoWC's WDP has been focusing on girls' life skill development. As an educational intervention, the GoN is implementing the Choose the Future program aimed at girls. Under this program, girls are encouraged to participate in the life skills and vocational trainings. The MSNP which targets teen aged girls, pregnant women and breastfeeding mothers of low income groups has contributed significantly to improve basic health of girl children.

285. As a critical component of local self-governance, the GoN has been implementing the Child-Friendly Local Governance (CFLG) Guideline and Strategy[106] for local bodies. Local bodies are implementing the CFLG program and mainstreaming the issues of girls into local development planning and programming.

[105] Alternative Energy Promotion Center, 2012.
[106] MoFALD, 2011.

286. Child protection system existing at the rural settings is also targeting girl child with protective and promotional services. At the district level, women's organizations are mobilized through WDP to end violence against girls. To prevent trafficking of girls, surveillance and watchdog activities are implemented in village level through anti-trafficking committees and networks. Being an active member of South Asian Association for Regional Cooperation (SAARC), Nepal is actively working to eradicate all forms of violence against children, especially against girls, in the region.

287. For promoting girls' participation in social, economic and political life, 17,864 community and school level child clubs and networks have been established nationwide, of which 47 percent of participants are girls.[107]

Part IV

Challenges and national commitment

Key challenges to the implementation of CEDAW

288. Despite continuous interventions and achievements through constitutional, legal, policy, institutional and programmatic measures, some cases of violence against women and girls are still in existence. It requires sustained and systematic efforts at all levels: in families, relationships, households, communities, institutions and society as a whole.

289. The GoN has been implementing preventive, promotional and punitive approaches to eradicate discriminations and harmful practices in society. Developing a culture of resilience is regarded as a strategic need to mitigate these practices and discrimination in the society.

290. Significant efforts to build national capacity to respond violence against women have been bringing encouraging results so far. However, some cases of physical and sexual violence, human trafficking, incidences of dowry-related violence, and witchcraft allegation are still reported.

291. Meaningful collaboration and partnerships between agents of change for accelerating gender equality and women's rights is yet to be achieved fully.

292. Though the country is heading towards realization of equal access, participation and leadership role to women in every sphere, it is a long journey which needs consistent efforts and investment.

293. Increasing access of people to health information and services, including on nutrition, sexual and reproductive health, treatment to communicable and non-communicable diseases and illnesses, needs further joint efforts and intervention.

294. Because of massive urbanization in the country, the intensity of female workers migrating from the villages to the cities is in increasing trend. Poverty and lack of employment opportunities and necessary skills for employment in rural settings are fuelling unsafe internal/external migration and trafficking.

295. Ensuring women's qualitative representation and participation in professional positions and decision-making needs more capacity-building programs along with education and training.

[107] The State of Children of Nepal, 2013, CCWB.

296. Prolonged political transition and instability are major challenges to the achievement of gender equality. The implementation of various human rights, including the rights related to women, as stipulated in the new Constitution is a priority of the GoN. Building necessary infrastructures and allocating adequate resources for the practical realization of women's rights and gender equality in society is a challenge.

297. An important intervention for 'Safe Motherhood' i.e. making availability of quality emergency obstetric care and referral system at the rural village level is in need of more resources.

298. Result-based implementation of policies, legislations and programs and its monitoring needs to be further strengthened, and the GoN is making efforts to enhance monitoring mechanisms for the effective implementation of the measures taken.

299. Absence of the elected local authorities, constraints in resource generation and mobilization, low capacity of implementing agencies, geographical remoteness, among others, are major constraints for timely and proper implementation of the laws, policies, plans and programmes on human rights.

300. Capacity constraints of law enforcement agencies with inadequate resources and facilitative operating systems to address human trafficking have been a challenge.

301. Gender assessments and gender budget audits of key development sectors for generation of gender-disaggregated information and identification of critical gender gaps have been a challenge. The efficient management of gender-disaggregated data on incidences of trafficking and survivors of trafficking along with updating the information system, and networking of information has been a challenging task.

302. The April 25 2015 earthquake caused massive devastation to educational institutions. This devastation has created new infrastructural, financial and institutional challenges in the 14 earthquake-affected districts. This destruction has an obvious adverse impact on the delivery of quality education and the psychological state of school children. Further challenges induced due to the earthquake include more risk of trafficking of women and girls, nutritional deficiency, loss of employment and income, loss of shelter and displacement, and post-disaster trauma.

303. With consistent and deliberate efforts in the promotion and protection of women's rights, Nepal continues to confront challenges in meeting some of the desired targets and fulfilling obligations. Paucity of resources, poverty, lack of sufficient availability of basic needs, amenities and education, among others, have adversely affected the implementation of plans and programs to reinforce gender equality and women's rights.

304. Formalizing the participation of all women working in the informal labour force and ensuring safe and decent migration for an increasing number of women migrant workers are two emerging labour-related challenges in Nepal.

National commitment

305. Nepal will further strive towards positive direction in terms of strategic actions and delivery of results through enhanced policy and strategy along with the improved implementation capacity. We are not only reviewing national legislations and policies for harmonizing them as per the spirit of CEDAW, but also enhancing the national capacity of the implementing mechanisms to maintain gender equality.

306. The GoN is committed to create an enabling environment for adequate behaviour change through advocacy and sensitization campaigns at all levels and ensuring further compliance to CEDAW from wide range of stakeholders.

307. The GoN is effortful in developing competent implementation mechanism with achievable strategy and plan of action, professionally capable institutions, result-based performance management system and effective coordination.

308. Mechanisms for meaningful and active participation of stakeholders to achieve gender related goals will be further enhanced so as to synergize the collective strength in the process of implementation.

309. The National Reconstruction Authority has been carrying out the reconstruction related works for effective recovery, rehabilitation and social integration of earthquake affected women and girls with targeted and focused programs of empowerment and capacity development initiatives in order to ensure restorative justice.

310. The GoN, in collaboration with the NHRIs, development partners and international community, civil society organizations and corporate sector, reiterates total and unflinching commitment to integrate the critical issues of women's rights and gender equality in the whole exercise of broad-based transformation of polity through implementation of the new constitution and state restructuring accordingly so as to ensure rights-based development and governance in the country.